

EXHIBIT 4

EXHIBIT

13

OMAR KHAWAJA
TEXAS REIT LLC

September 11, 2024

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re: Chapter 11
TEXAS REIT, LLC Case No.
Debtor 24-10120-smr

REMOTE DEPOSITION OF
OMAR KHAWAJA

September 11, 2024
10:15 a.m.

5051 Westheimer, Suite 1200
Houston, Texas

EXHIBIT
13

Cheryl Madriaga, Shorthand Reporter

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1 APPEARANCES OF COUNSEL:

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7 On behalf of Deponent, Omar Khawaja:

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12 On behalf of Dalio Holdings I and II, LLC:

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17 Also Present:

18 Dwayne Mason, Esq., Greenberg Traurig, LLP -
19 prospective counsel for Dalio Holdings I and II, LLC

20 Ali Chouhdri, pro se - in his individual capacity

21 Gene McCubbin - assistant to Lori Hood

22 Tammy Luu - assistant to Ali Choudhri

23 Osama Abdullatif - noticed deponent

24 John Quinlan - noticed deponent

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1 PROCEEDINGS

2 THE REPORTER: We are on the record. The date
3 is September 11th, 2024. This begins the deposition
4 of Omar Khawaja.

5 My name is Cheryl Madriaga, representing
6 Esquire Deposition Solutions.

7 Will counsel please state their name on the
8 record and whom they represent?

9 MR. SATHER: Stephen Sather --

10 MR. BALLASES: Michael Ballases --

11 MR. SATHER: -- attorney for --

12 MR. BALLASES: -- (unintelligible) Khawaja --

13 THE REPORTER: Sorry --

14 MR. BALLASES: -- John Quinlan, and Osama
15 Abdullatif.

16 THE REPORTER: Okay. Sorry. I just had two
17 people speaking at once. Could I start with one
18 counsel, please?

19 MR. BALLASES: Sure. Michael Ballases,
20 counsel of record for the deponent, Omar Khawaja, also
21 John Quinlan, also Osama Abdullatif.

22 THE REPORTER: Thank you.

23 MR. SATHER: Stephen Sather --

24 MR. BALLASES: You're welcome.

25 MR. SATHER: -- for Texas REIT, LLC, the

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1 debtor in this case.

2 MS. HOOD: Lori Hood of Dalio Holdings, a

3 creditor in the case.

4 MR. CHOUDHRI: Ali Choudhri, a creditor in the

5 case.

6 THE REPORTER: Okay. Is there anything else,

7 or are we ready to have me swear in the witness?

8 MR. BALLASES: Now, there are other people on

9 the call. They need to make an appearance.

10 MR. MASON: This is Dwayne Mason, prospective

11 counsel for Dalio with Greenberg Traurig.

12 MR. MCCUBBIN: Gene McCubbin, assistant to

13 Lori Hood.

14 MR. BALLASES: Okay. I'm going to object --

15 this is Michael Ballases. I'm going to object to Lori

16 Hood, her assistant, Ali Choudhri, and Dwayne Mason

17 being present on the call. They're not -- they don't

18 represent Texas REIT. They're not parties, they don't

19 have standing, and they cannot participate. And this

20 is not a creditors' meeting. So I want that to be on

21 the record.

22 MR. SATHER: All right. Your objection is

23 noted. Let's proceed.

24 THE REPORTER: Okay. And just before we go on

25 the record, I just ask that we please do our best not

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1 to speak over one another.

2 Mr. Khawaja, please keep your voice nice and
3 loud, allow counsel to finish his completely before
4 you begin your answer, and all answers must be verbal.
5 Thank you.

6 MR. CHOUDHRI: Just confirming, Madam Court
7 Reporter, we are on the record; right?

8 THE REPORTER: Yes, we are.

9 MR. SATHER: All right.

10 MR. CHOUDHRI: Okay.

11 MR. SATHER: If you would swear in the
12 witness, please.

13 OMAR KHAWAJA,
14 having been first duly sworn, was examined and
15 testified as follows:

16 EXAMINATION

17 MR. BALLASES: Real quick before we get
18 started -- this is Michael Ballases -- I assume we
19 have an agreement to take this deposition by the
20 Federal Rules of Civil Procedure and also the Court's
21 limiting instruction.

22 MR. SATHER: Yes.

23 MR. BALLASES: Okay.

24 BY MR. SATHER:

25 Q. All right. Mr. Khawaja, have you ever given a

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1 deposition before?

2 A. I don't think so, no.

3 Q. All right. But are you familiar with the

4 process for taking a deposition, sir?

5 A. Yes. Yes, I am.

6 Q. And do you understand that your testimony

7 today is under oath?

8 A. Yes, I do.

9 Q. And is there anyone present in the room with

10 you where you are giving your testimony?

11 A. Yes, my attorney, Michael Ballases, and the

12 other two parties, Osama Abdullatif and John Quinlan.

13 Q. All right. And, Mr. Khawaja, do you

14 understand that you cannot confer with any of the

15 parties in the room with respect to your answers?

16 A. Yes, I do.

17 Q. Tell me what you do for a living.

18 A. I'm an attorney.

19 Q. And are you familiar with a company called

20 Texas REIT, LLC?

21 A. Yes, I am.

22 Q. And how are you familiar with Texas REIT, LLC?

23 A. So an entity that Ali Choudhri owns.

24 Q. Okay.

25 A. Or controls.

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1 Q. And have you ever entered into a business
2 transaction with Texas REIT, LLC?

3 A. No, I have not.

4 Q. Do you claim to be an owner of Texas REIT,
5 LLC?

6 A. No, I don't.

7 Q. Have you ever filed a notice of lis pendens on
8 behalf of any party against Texas REIT, LLC?

9 A. I may have, yes.

10 Q. Okay. And are you familiar with what a notice
11 of lis pendens is?

12 A. Yes.

13 Q. Are you familiar with Ali Choudhri, who is
14 present here today?

15 A. Yes.

16 Q. And how are you familiar with Mr. Choudhri?

17 A. I have litigation against him. He's defrauded
18 me. He's defrauded people I know. I represent people
19 against him. And, you know, we're sitting here in
20 this case today, so I know him because I am a party in
21 this case.

22 Q. All right. Are you familiar with Jetall
23 Companies?

24 A. Yes.

25 Q. And how are you familiar with Jetall

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1 Companies?

2 A. It's an entity that Ali Choudhri controls or
3 owns, and I have judgments against them.

4 MR. SATHER: All right. I'm going to share my
5 screen and show Exhibit 1.

6 (Debtor's Exhibit No. 1 was marked for
7 identification.)

8 Q. (BY MR. SATHER) I have previously provided
9 this document to the court reporter and your counsel.

10 And so can you see Exhibit Number 1 on the
11 screen, sir?

12 A. Yes, I do.

13 THE WITNESS: Do you have a physical copy too,
14 Michael?

15 Q. (BY MR. SATHER) All right. Now, are you

16 familiar -- are you aware that this is a proof of

17 claim filed with the United States Bankruptcy Court?

18 A. Yes, I am.

19 Q. And are you one of the claimants listed on

20 this proof of claim?

21 A. I am.

22 Q. And as I read the proof of claim, there are
23 three individuals who are listed as the current
24 creditor: John Quinlan, Omar Khawaja, and Osama
25 Abdullatif. What is the relationship between the

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1 three individuals with respect to the proof of claim?

2 A. They're just judgment orders.

3 Q. Okay. But do each of you assert the claim

4 jointly and severally, or do each of you have

5 different pieces of the claim?

6 A. You know, jointly and severally.

7 Q. All right. Now, do you have an agreement

8 between the three of you as to how any monies received

9 on the claim will be divided?

10 A. Not particularly. I mean, you know, we don't

11 have a written agreement, from my understanding.

12 Q. Okay. Now, if I could go --

13 MR. BALLASES: (Unintelligible) Ballases. I'm

14 going to object. You're violating -- you're being

15 harassing and oppressive and that you're violating the

16 Court's limiting instruction.

17 I'm going to give you a little bit of leeway

18 to get into all this just because it's background, but

19 the purpose of this deposition is for you to ascertain

20 why my clients filed the proof of claim and why they

21 now want to withdraw it. And so I'll give you some

22 leeway, but I'm just letting you know.

23 MR. SATHER: All right. I disagree with that

24 contention. I've listened to Judge Robinson's ruling.

25 I think it's broader. But I'm going to continue on,

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1 and if we run into a problem, we may have to take that
2 up with the Court. But let me move on with my
3 questions.

4 Q. (BY MR. SATHER) Mr. Khawaja, did you sign the
5 proof of claim?

6 A. I don't recall signing it. I may have. I
7 don't know.

8 Q. Okay. Did you authorize filing the proof of
9 claim?

10 A. Yes, I did.

11 Q. Did you read the proof of claim before it was
12 filed?

13 A. Yes.

14 Q. What steps did you take to ensure that the
15 proof of claim was accurate?

16 A. I read it.

17 Q. All right. Now, I'm going to go down to Box 7
18 on the claim, and that has a dollar amount. Do you
19 see that?

20 A. Yes.

21 Q. And do you know how that number was
22 calculated?

23 A. I don't recall.

24 Q. Going to page 8 of 54, there is a summary of
25 damages. Does that refresh your recollection as to

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1 how the proof of claim numbers were calculated?

2 A. Can you enlarge it just a little bit so I can

3 look at it carefully?

4 Q. Sure I can. It does depend on my ability to

5 work this. Does that help?

6 A. Yeah, that -- that helps. Thank you.

7 Q. And so do you know where -- and let me scroll

8 up here.

9 A. Sure.

10 Q. Do you know where these numbers came from?

11 A. This appears to be numbers that my counsel

12 provided.

13 Q. And for the record, who is your counsel who

14 provided the numbers?

15 A. Michael Ballases with Hoover Slovacek.

16 Q. And have you taken any steps personally to

17 verify that these amounts are correct?

18 A. I mean, I looked at the judgments before we

19 filed them.

20 Q. Anything else?

21 A. That's it.

22 Q. Now I'm going to go to Box 9 and -- now, on

23 this page, it asks: Is any -- all or any part of the

24 claim secured? And it's not checked, but I'd like to

25 go to a subsequent page. It may be a prior page.

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1 Excuse me.

2 Okay. Here we go. Looking at Box 9, do you

3 see where the box of, Is the claim secured, checked

4 "Yes." Do you see that, sir?

5 A. I do see that.

6 Q. What is the basis for the claim being secured

7 according to the proof of claim?

8 A. I mean, I'd have to ask my attorney.

9 Q. Okay. But it says -- and I believe this is

10 probably a typo, but it says "les pendens." You think

11 that's a reference to filing of a notice of lis

12 pendens?

13 A. It could be.

14 Q. And is it your contention that filing a notice

15 of lis pendens creates an interest in property?

16 A. It doesn't create -- it doesn't create an

17 interest in property.

18 Q. All right. What do you believe that it does?

19 A. It secures a potential claim against property.

20 Q. Okay. Now, it's my understanding that the

21 proof of claim is based upon three separate judgments.

22 Is that your understanding?

23 A. I think that's accurate.

24 Q. Now, would you agree with me that none of

25 these judgments were taken against Texas REIT, LLC,

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1 the debtor in this case?

2 A. I believe that's correct.

3 Q. Now, I'm going to go down and look at the
4 different judgments, and I'm going to ask you some
5 questions about them. And actually I'm just going to
6 start with the summary here.

7 Number 1 is -- Judgment 1 is called the "Davy
8 and Heil Judgment." Do you see that?

9 A. I do.

10 Q. And this appears to be -- actually, I am going
11 to go to the judgment. I apologize. This appears to
12 be a judgment in a case from the Court of Appeal
13 styled Jetall Companies, Inc., Appellant, versus
14 Richard Heil, Todd Oakum, and Renee Davy, formerly
15 known as Renee Davy, formally known as Renee Oakum.

16 Do you see that?

17 A. I do.

18 Q. Now, you were not a party to this judgment,
19 were you, sir?

20 A. I was not.

21 Q. And what is your connection to the judgment
22 that would give you the authority to submit a proof of
23 claim in this case?

24 A. The judgment was assigned to me.

25 Q. Okay. And is that -- was that a written

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1 assignment of judgment?

2 A. Yes.

3 Q. And I will represent to you that the

4 assignment of judgment is not part of the proof of

5 claim. Do you know why that assignment was not

6 included?

7 A. I don't know why.

8 Q. And if we were to look at the assignment of

9 the judgment, would the assignee be just Omar Khawaja,

10 or would it be someone else?

11 A. I believe my assignment would have my name on

12 it. I'm not sure about the other assignments.

13 Q. Okay. So for this particular judgment, it was

14 assigned to you, Omar Khawaja?

15 A. I don't have it in front of me. It's possible

16 that Mr. Abdullatif and Mr. Quinlan's name are on the

17 assignment.

18 Q. All right. How much did you pay to have the

19 judgment assigned to you?

20 A. I don't recall.

21 Q. And did you pay anything to acquire the

22 judgment?

23 A. Yes, I did.

24 Q. Now, do you agree with me that this judgment

25 is against Jetall Companies and not Texas REIT?

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1 MR. BALLASES: Objection. Form.

2 A. This particular judgment is against Jetall;

3 that is correct.

4 Q. (BY MR. SATHER) All right. And so do you

5 contend that Texas REIT, LLC, is liable for a judgment

6 against Jetall Companies, Inc.?

7 A. Yes, I do.

8 Q. And why do you contend that, sir?

9 A. Because all of the entities that Mr. Choudhri

10 either controls or is involved in are essentially

11 shell companies for his own personal finances, so

12 any --

13 Q. (Unintelligible)

14 A. Any company are -- I'm sorry. Would you like

15 me to continue, or --

16 Q. Yes, please.

17 A. -- do you want to --

18 Q. I did not mean to cut you off.

19 A. Sorry. I was saying any entity that

20 Mr. Choudhri controls or owns is treated as if it is

21 his own personal asset with no respect for the

22 corporate form and, I believe, is responsible for --

23 one entity is responsible for the other entity's

24 conduct.

25 Q. Now I'd like to scroll down to the second

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1 judgment. And this document says it's a judgment from
2 the 14th Court of Appeals in Jetall Companies, Inc.
3 Versus Hoover Slovacek, LLP. Are you familiar with
4 this judgment?

5 A. Yes, I am.

6 Q. Is Hoover Slovacek the law firm that is
7 representing you today in connection with this
8 deposition?

9 A. Yes, it is.

10 MR. BALLASES: Objection. Form.

11 Q. (BY MR. SATHER) You can answer.

12 A. Yes.

13 Q. What is your connection to -- your connection,
14 if any, to this judgment?

15 A. I believe I acquired it.

16 Q. Did you acquire it by way of a written
17 assignment?

18 A. Yes.

19 Q. And did you pay any consideration to Hoover
20 Slovacek to acquire their judgment?

21 A. Yes.

22 Q. And how much did you pay them to acquire this
23 judgment?

24 A. I don't recall how much I paid.

25 Q. And is it a regular part of your business to

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1 purchase judgments?

2 A. Yes, it is.

3 Q. Now, I may have asked this already, in which
4 case I apologize, but do you have a written assignment
5 of judgment?

6 A. Yes -- yes, I believe there is one. I don't
7 have it in front of me.

8 Q. Is there a reason that assignment was not
9 included with the proof of claim?

10 A. I don't know.

11 Q. And do you know whether the assignment would
12 have been in favor of you, John Quinlan, Osama
13 Abdullatif, or some combination of the three of you?

14 A. I believe all three of us. It was assigned to
15 all three of us on the same instrument.

16 Q. Now, do you agree with me that this judgment
17 is against Jetall Companies and not Texas REIT, LLC?

18 A. Yes.

19 Q. And why do you contend that Texas REIT, LLC,
20 is liable for a judgment against Jetall Companies?

21 A. Because Texas REIT, LLC, is an alter ego of
22 Jetall Companies, Inc.

23 Q. Now I'm going to go to the third judgment.
24 And this is a judgment in a case -- well, first of
25 all, do you see the judgment that I have up on the

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1 screen?

2 A. I do.

3 Q. And that appears to be a judgment in a case,
4 Osama Abdullatif, individually, and Abdullatif &
5 Company, LLC, versus Ali Choudhri and Houston Real
6 Estate Properties, LLC; is that correct?

7 A. That's correct.

8 Q. And do you have an interest in this judgment,
9 or is this just Mr. Abdullatif's judgment?

10 A. This particular judgment is Mr. Abdullatif's
11 judgment.

12 Q. All right. So do you have any interest in
13 this judgment whatsoever?

14 A. No, I do not.

15 MR. BALLASES: Objection. Form.

16 Q. (BY MR. SATHER) All right. Do you assert an
17 interest in the judgment in Cause Number 2013-41273?

18 A. No.

19 MR. BALLASES: Objection. Form.

20 Q. (BY MR. SATHER) Now, of the three judgments
21 we went through, you assert an interest in the first
22 two, but not the third; is that correct?

23 MR. BALLASES: Objection. Form.

24 A. That's correct.

25 Q. (BY MR. SATHER) Now, continuing down in the

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1 claim, there is a copy of an adversary proceeding that
2 was filed in the United States Bankruptcy Court for
3 the Southern District of Texas. Are you familiar with
4 this adversary proceeding?

5 A. Vaguely.

6 Q. Okay. And I see that you are named as one of
7 the movants in the adversary proceeding. Do you see
8 that?

9 A. Yes, I do.

10 Q. Did you authorize the adversary proceeding to
11 be filed listing you as one of the participants?

12 A. Yes, I did.

13 Q. Did you read it before it was signed?

14 A. Yes, I did.

15 Q. Now, so what is your understanding of the role
16 that this adver -- or that this original complaint
17 plays with respect to the proof of claim that was
18 filed on your behalf?

19 A. I mean, I'm not a bankruptcy attorney. We're
20 doing whatever we need to do to try to collect our
21 judgment.

22 Q. So you're an attorney; right?

23 A. Yes.

24 Q. And you -- when you represent clients, you
25 file pleadings on their behalf; correct?

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1 A. That's correct.

2 Q. And -- but your clients need to understand
3 what you're filing for them, don't they? Isn't that
4 part of the rules regarding filing lawsuits?

5 A. Yes.

6 Q. What steps did you take to familiarize
7 yourself with the allegations in this adversary
8 proceeding?

9 A. I reviewed the judgments, and I reviewed the
10 complaint.

11 Q. And after reviewing them, did you conclude
12 that the allegations were true and correct?

13 A. Yes, I did.

14 Q. Now I'm going to read you a statement in
15 paragraph 1 of the adversary proceeding, which says:

16 This lawsuit shall prove that Jetall
17 Companies, Inc., Arabella PH 3201, LLC,
18 9201 Memorial Drive, LLC, 2727 Kirby 26L,
19 LLC, Texas REIT, LLC, Dalio Holdings I,
20 LLC, Dalio Holdings II, LLC, Houston Real
21 Estate Properties, LLC, Shahnaz Choudhri,
22 Ali Choudhri, Shepherd-Huldy
23 Development I, LLC, Shepherd-Huldy
24 Development II, LLC, and Galleria Loop
25 Note Holder, LLC, (collectively the

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1 Choudhri defendants) are alter egos of
2 each other and intentionally acting in a
3 manner to defraud creditors and evade
4 legal obligations through a series of
5 fraudulent transfers. The evidence will
6 demonstrate that Ali Choudhri is the
7 puppeteer controlling his web of business
8 entities, which hold his various
9 properties and other assets. This web
10 includes Houston Real Estate Properties,
11 LLC, and Jetall Companies, Inc., as well
12 as the other named defendants.

13 Did I read that correctly?

14 A. Yes, you did.

15 Q. Do you have an understanding of what it means
16 to say that one person or company is the alter ego of
17 another person or company?

18 A. Yes.

19 Q. And what is your understanding?

20 A. That one entity pays the debts or obligations
21 of another. They commingle funds, commingle assets.
22 One principal is taking actions on behalf of any of
23 the various alter egos at any given time with no
24 respect for the corporate form. Yeah, that's my --
25 that's my understanding.

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1 Q. All right. Now, is it your contention that
2 each of the 13 persons and companies named as
3 defendants is the alter ego of every other one of the
4 persons and companies named?

5 A. That's what --

6 MR. BALLASES: Objection. Form.

7 A. Yes.

8 Q. (BY MR. SATHER) So are you contending that
9 Texas REIT is the alter ego of Jetall Companies?

10 MR. BALLASES: Objection. Form.

11 A. That's what it says. Yes.

12 Q. (BY MR. SATHER) And are you alleging that
13 Texas REIT is the alter ego of Arabella PH 3201, LLC?

14 A. Yes.

15 MR. BALLASES: Objection. Form.

16 Q. (BY MR. SATHER) Are you alleging that Texas
17 REIT is the alter ego of Dalio I Holdings (sic), LLC?

18 MR. BALLASES: Objection. Form.

19 A. Yes.

20 Q. (BY MR. SATHER) And would your answers be the
21 same if I went through all of the rest of the names of
22 the defendants in this case?

23 A. Yes, because Ali Choudhri controls all of
24 them.

25 Q. All right. And so are you alleging that Ali

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1 Choudhri and Shahnaz Choudhri are alter egos of each

2 other?

3 A. Yes.

4 MR. BALLASES: Objection. Form.

5 Q. (BY MR. SATHER) So are you -- it's your
6 contention that any company or entity in which Ali
7 Choudhri has an interest is an alter ego of Ali
8 Choudhri?

9 MR. BALLASES: Objection. Form.

10 A. I don't know if there's any. I mean, are
11 there entities that I don't know about? I don't know.

12 Q. (BY MR. SATHER) Were you aware that there was
13 an amended complaint filed that names 17 defendants?

14 A. I believe --

15 MR. BALLASES: Objection. Form.

16 A. I believe so.

17 Q. (BY MR. SATHER) And is it your contention
18 that each of the 17 defendants is the alter ego of
19 each of the other 17 defendants?

20 A. If that's what the petition says, yes, that's
21 my contention.

22 Q. The complaint alleges that each of the claimed
23 alter egos were, quote (Reading:) ...intentionally
24 acting in a manner to defraud creditors and evade
25 legal obligations through a series of fraudulent

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1 transfers.

2 Did I read that right?

3 A. Yes, you did.

4 Q. So are you claiming that every one of these 13

5 or 17 persons and companies listed made fraudulent

6 transfers to each and every other one of the persons

7 and companies listed?

8 A. Yes.

9 Q. So, for example, are you claiming that Shahnaz

10 Choudhri made fraudulent transfers to 2727 Kirby 26L,

11 LLC?

12 A. I don't know about that.

13 Q. As we sit here today, do you know of any

14 fraudulent transfers that any of these defendants made

15 to Texas REIT, LLC, the debtor in this case?

16 A. I don't.

17 Q. And so with respect to that particular

18 allegation about making fraudulent transfers, you're

19 not aware of any involving the debtor in this case;

20 correct?

21 A. I'm not aware of any sitting as -- as I'm

22 sitting here right now. But any specific one? No.

23 Q. And what would you need to do --

24 THE WITNESS: Oh, Mr. Sather, I'm sorry. I

25 need to just take a quick restroom break if you don't

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1 mind.

2 MR. SATHER: All right --

3 MR. CHOUDHRI: No. No. No. Hold on. Let's
4 finish this line of questioning. Please ask your
5 question --

6 MR. SATHER: Mr. Choudhri -- Mr. Choudhri,
7 it's my questions. I decide whether we're going to
8 take a bathroom break or not.

9 I don't have a problem with taking a break,
10 but do not discuss your testimony with your attorney
11 while we're off the record.

12 THE WITNESS: Not a problem.

13 MR. SATHER: All right. And so five minutes?

14 THE WITNESS: Five minutes should be good.

15 MR. SATHER: All right. Madam Reporter, we
16 will be off the record for five minutes.

17 THE REPORTER: Off the record.

18 (A recess was taken.)

19 THE REPORTER: All right. We are back on the
20 record.

21 Q. (BY MR. SATHER) And, Mr. Khawaja, I want to

22 follow up on something I asked you earlier. When I

23 asked you how you knew Ali Choudhri, you said that he

24 defrauded you. Can you tell me what transaction that

25 he defrauded you with regard to?

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1 MR. BALLASES: Objection. Form.

2 A. It was an apartment complex that my family

3 owned.

4 Q. (BY MR. SATHER) And was it you personally, or

5 was it your family?

6 MR. BALLASES: I'm going to instruct the

7 witness not to answer. He's here to answer the basis

8 for his proof of claim and why he wants to withdraw

9 it. That's not a part of his claim. It's not alleged

10 in any of the documents, and therefore, it's outside

11 the scope of the judge's limiting instruction.

12 Q. (BY MR. SATHER) Is this prior transaction --

13 have anything to do with this case?

14 A. I'm sorry. Can you repeat that question?

15 Q. Yes. Does the prior transaction where you say

16 Mr. Choudhri defrauded you or your family -- does that

17 have anything to do with the proof of claim against

18 Texas REIT?

19 A. No.

20 Q. Now, earlier I asked you about whether your

21 business involved purchasing judgments, and I also --

22 you also testified that you're an attorney. Are those

23 separate businesses that you're involved in?

24 A. No.

25 Q. And so do you purchase judgments through your

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1 law firm?

2 A. Yes.

3 Q. And about how many judgments have you

4 purchased in, say, the last five years?

5 MR. BALLASES: Objection. Form.

6 A. I don't know. I'm not sure, to be honest with

7 you.

8 Q. (BY MR. SATHER) More than ten?

9 A. No, probably not more than ten.

10 Q. And --

11 MR. BALLASES: Objection. Form.

12 Q. (BY MR. SATHER) -- have you -- do you

13 purchase judgments against anyone other than entities

14 related to Ali Choudhri?

15 MR. BALLASES: Objection. Form.

16 A. Not that I can recall.

17 Q. (BY MR. SATHER) All right. So when we talk

18 about your purchase of judgments, that -- at least as

19 you recall today, those relate to your dealings with

20 Ali Choudhri.

21 A. Yes.

22 Q. And how would you describe your relationship

23 with Mr. Choudhri?

24 MR. BALLASES: Objection. Form.

25 A. What do you -- what do you mean?

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1 Q. (BY MR. SATHER) Is it cordial? Unpleasant?

2 Adversarial?

3 MR. BALLASES: Objection. Form.

4 A. He owes me money. I mean, that's about it.

5 Q. (BY MR. SATHER) Going back to the adversary
6 proceeding that's part of the proof of claim, I'm
7 going to go to paragraph 22. And it's kind of a long
8 paragraph, so I'm just going to read you some
9 sentences towards the end where it says, quote
10 (Reading:) Choudhri views HREP, Jetall, and himself,
11 as well as the other named defendants, as one and the
12 same and utilizes them in such a fashion. In other
13 words, there is unity between Choudhri, HREP, Jetall,
14 and his other business entities such that the
15 separateness of the business entities has ceased, and
16 thus this Court should treat the Choudhri defendants
17 accordingly to protect plaintiffs/the creditors. And
18 this is where the lawsuit begins.

19 So did I read that correctly?

20 A. Yes.

21 Q. And so what is the basis for your statement
22 that Mr. Choudhri views all of the Choudhri defendants
23 as one and the same?

24 MR. BALLASES: Objection. Form.

25 A. It's in the petition, Counsel. All of the

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1 bases that we have are listed out in very clear, you
2 know, language, just like you read.

3 Q. (BY MR. SATHER) Can you articulate what any
4 of those bases are?

5 A. It's -- I mean --

6 MR. BALLASES: Objection. Form.

7 A. -- do you want me to -- do you want me to
8 start reading the petition for you? I'm happy to read
9 it for you, but it's in the petition.

10 Q. (BY MR. SATHER) I'm asking you -- I mean,
11 without reading the petition, do you know what the
12 basis for the allegations is?

13 A. I mean the -- without reading the petition,
14 the purpose of the petition was to articulate the
15 basis of the petition. So it's in the petition
16 itself. I'm happy to read through the petition for
17 you if you'd like me to, but in -- in plain language,
18 he treats every entity that he controls or owns as a
19 personal piggy bank, just like the petition states.
20 And that's the basis of the alter ego claim that we're
21 making.

22 Q. All right. And so your allegation is also
23 that he views his mother as one and the same with
24 himself?

25 MR. BALLASES: Objection. Form.

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1 A. Yes.

2 Q. (BY MR. SATHER) Now, you obviously don't
3 contend that they're the same person; right? You --
4 they are different human beings.

5 MR. BALLASES: Objection. Form.

6 (Crosstalk)

7 A. Sorry. Is that a -- was that -- do you really
8 want me to answer that question? I'm not sure.

9 Q. (BY MR. SATHER) Yes, I do. I wouldn't have
10 asked it if I --

11 A. You mean like Norman Bates, that kind of thing
12 or -- is that what -- I'm sorry. It's just a
13 stupid --

14 Q. (BY MR. SATHER) I just want you to
15 acknowledge that these are two different human beings,
16 sir.

17 A. Yes, sir. Yes, they're two different human
18 beings.

19 Q. And so is it your contention that there's no
20 separateness between, say, Houston Real Estate
21 Properties, LLC, and Texas REIT, LLC?

22 MR. BALLASES: Objection. Form.

23 A. Again, I'm gonna -- I'm gonna refer you back,
24 Mr. Sather, to the petition. That's what the petition
25 states.

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1 Q. (BY MR. SATHER) All right. And you contend

2 that -- and you stand by the allegations in the

3 petition.

4 A. Yes, sir. I stand by each and every

5 allegation in the petition.

6 MR. BALLASES: Objection. Form.

7 Q. (BY MR. SATHER) And so is everything that you

8 know about this allegation of alter ego contained in

9 the petition?

10 A. I mean, we don't -- I don't believe we

11 finished discovering the process, sir, so we're -- I'm

12 sure we're gonna get to learn a lot more about the

13 alter-ego basis on which Mr. Choudhri operates and the

14 other defendants.

15 Q. And so did the petition set forth all of the

16 bases that you knew about at the time it was filed?

17 A. In a good faith manner, yes.

18 Q. All right. What does that mean, "in a good

19 faith manner"?

20 MR. BALLASES: Objection. Form.

21 A. To the best of our ability, right, on some --

22 on some evidence that we've been able to muster.

23 Q. (BY MR. SATHER) Did you intentionally omit

24 any bases for making an allegation of alter ego?

25 A. No.

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1 MR. BALLASES: No, I instruct the client not
2 to answer, simply because you're invading attorney
3 work product, legal privileges. What we decided to
4 put in or not in our petition is subject to work
5 product and privilege. Don't invade our privilege,
6 please.

7 Q. (BY MR. SATHER) All right. Do you know of
8 any evidence that you decided not to include in the
9 petition?

10 MR. BALLASES: Same assertion of privilege.

11 Q. (BY MR. SATHER) You can answer, sir.

12 MR. BALLASES: It's work product and
13 privilege. I'm instructing him not to answer. It's
14 invading a legal privilege that he enjoys.

15 THE REPORTER: And I'm sorry. Counsel, if I
16 could just get you to just speak up a little bit as
17 well. You're just sounding a little bit muffled.

18 MR. BALLASES: Yes, ma'am.

19 THE REPORTER: Thank you.

20 Q. (BY MR. SATHER) I'd like to go to
21 paragraph 23 where it says (Reading:) Plaintiffs are
22 upstanding, honest, and respectable businessmen, real
23 estate developers, attorneys, and/or a combination of
24 all.

25 Which of those categories do you fall into,

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1 sir?

2 A. (Reading:) Plaintiffs are upstanding, honest,

3 respectable businessmen, attorneys --

4 A combination.

5 Q. Okay. A combination of what?

6 A. Of all.

7 Q. Okay. So you're a businessman, real estate

8 developer, and attorney?

9 A. But I'm also upstanding, honest, and

10 respectable.

11 Q. Okay. Now, was it upstanding, honest, and

12 respectable for you to sponsor Mr. Choudhri's ex-wife

13 to claim to still be married to him and file notices

14 of lis pendens against all of his properties?

15 MR. BALLASES: I'm going to instruct the

16 client not to answer. You are violating the Court's

17 limiting instruction as to this deposition, and the

18 purpose of this deposition is to find the basis for

19 the filing of the proof of claim and why we are

20 willing to withdraw it now. I'll let you go on and

21 get past that, but I'm going to start putting stops to

22 it if this is the kind of stuff we're going to have.

23 Q. (BY MR. SATHER) Okay. But it's your

24 contention that you are, in fact, an upstanding,

25 honest, and respectable businessman, real estate

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1 developer, and attorney, sir.

2 A. Yes --

3 MR. BALLASES: Objection. Form.

4 MR. SATHER: Now, I'm going to move on to a
5 different exhibit, Exhibit Number 2, assuming I can
6 bring it up on the screen.

7 (Debtor's Exhibit No. 2 was marked for
8 identification.)

9 Q. (BY MR. SATHER) Actually, one thing I didn't
10 ask you, Mr. Khawaja: How old of a man are you?

11 A. 46.

12 Q. And are you licensed to practice law in the
13 state of Texas?

14 A. Yes, I am.

15 Q. And when were you licensed?

16 MR. BALLASES: Objection. Form.

17 A. 2010.

18 Q. (BY MR. SATHER) I've brought up on the screen
19 what we've marked as Exhibit 2, which is titled
20 "Supplemental Notice of Lis Pendens." Are you
21 familiar with this document?

22 MR. BALLASES: Mr. Sather, we don't have
23 copies of that. Could you please e-mail that to
24 myself and Steve Leyh and any other exhibits you'd
25 like to use?

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1 MR. SATHER: Sure. Those should've been
2 provided to you in a ShareFile yesterday.

3 MR. BALLASES: Could you resend them?

4 MR. SATHER: I will -- yes, I will resend
5 those --

6 MR. BALLASES: Please send them to Steve and
7 myself.

8 MR. SATHER: My computer is lagging just a
9 little bit, so it'll take a second for them to load.
10 But I had tried to provide these to you ahead of time
11 so we could avoid this.

12 Okay. And as you can see from the screen
13 share, I have sent the e-mail to you.

14 THE WITNESS: Michael, I think he's addressing
15 you on the e-mail.

16 MR. BALLASES: That's fine.

17 Q. (BY MR. SATHER) Now, what we've marked as
18 Exhibit Number 2 is a supplemental notice of lis
19 pendens. And I'm going to scroll down to the end of
20 it, and do you see the real property description
21 there?

22 A. I do, yes.

23 Q. And are you aware that that is real property
24 owned by Texas REIT, LLC?

25 A. Yes.

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1 Q. And are you familiar with this notice of

2 lis pendens?

3 A. I believe I looked at it before it was filed,

4 yes.

5 Q. And it looks like it's filed by

6 Mr. Abdullatif, and he is one of the parties to the

7 proof of claim; correct?

8 A. Yes.

9 MR. BALLASES: Objection. Form.

10 Q. (BY MR. SATHER) And did you approve of the

11 filing of this notice?

12 A. I must have if it was filed.

13 Q. And what's your understanding of the purpose

14 of this notice?

15 A. To make sure that we secure any proceeds that

16 could potentially come to Ali Choudhri or his entities

17 that he owes to us.

18 Q. And do you know why it was filed?

19 A. For that reason.

20 MR. SATHER: I'm going to show you another lis

21 pendens which we have marked as Exhibit Number 3.

22 (Debtor's Exhibit No. 3 was marked for

23 identification.)

24 Q. (BY MR. SATHER) And are you familiar with

25 this document?

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1 A. Exhibit Number 3. Sorry. Yes.

2 Q. And I see this was signed by Osama Abdullatif
3 as well.

4 A. Yes.

5 Q. And would your questions be the same -- or
6 your answers be the same with regard to this notice of
7 lis pendens as with the prior one?

8 A. Yes.

9 MR. SATHER: I'm going to switch gears now and
10 go to Exhibit Number 4, which is an adversary
11 complaint filed by George Lee against Texas REIT, LLC,
12 and Ali Choudhri -- or at Exhibit 4. Excuse me.

13 (Debtor's Exhibit No. 4 was marked for
14 identification.)

15 Q. (BY MR. SATHER) Do you know George Lee?

16 MR. BALLASES: I'm going to object to this
17 line of questioning and instruct the witness not to
18 answer as it exceeds the scope of the limited

19 deposition the judge granted you. This has nothing to
20 do with our proof of claim or adversary proceeding.

21 Q. (BY MR. SATHER) Are you going to take your
22 counsel's advice?

23 A. I am.

24 Q. So let me just ask you by way of background.

25 Do you know George Lee?

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1 MR. BALLASES: Objection. Form. Same -- same

2 instruction.

3 Q. (BY MR. SATHER) Are you refusing --

4 MR. CHOUDHRI: So (unintelligible) --

5 Q. (BY MR. SATHER) -- to answer that you know

6 George Lee?

7 MR. BALLASES: Objection to form. Same

8 objection; this has nothing to do with our claim, and

9 you're exceeding the scope of the limited deposition

10 the judge granted.

11 A. I'm taking my counsel's advice.

12 MR. CHOUDHRI: I just want to make sure the

13 record is clear. Are you instructing the witness not

14 to answer?

15 MR. SATHER: Mr. Choudhri, let me --

16 MR. BALLASES: Mr. Choudhri, please be quiet.

17 You're not a party involved in this. You have no

18 standing to be here.

19 MR. SATHER: He actually does under the

20 Court's ruling. But, Mr. Ballases --

21 MR. CHOUDHRI: Wait a second. Wait -- wait --

22 wait a second. I want to get this on the record.

23 Mr. Ballases, I am here, and I have a standing

24 to object. Okay? And so --

25 MR. BALLASES: (Unintelligible)

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1 MR. CHOUDHRI: -- I have a standing to be

2 here. So are you telling me on the record that you

3 are not going to cooperate and allow me to ask

4 questions on a deposition that I've cross-noticed?

5 MR. BALLASES: That is correct. You have no

6 party -- you're not a party in this proceeding. You

7 have no standing. We've also objected to your

8 cross-notice, so you better bet your bottom dollar.

9 MR. CHOUDHRI: Okay. Besides betting my

10 bottom dollar, Mr. Ballases, you understand that the

11 Honorable Judge Robinson made a ruling --

12 MR. BALLASES: You're wasting your time --

13 MR. CHOUDHRI: -- and said that --

14 MR. BALLASES: -- (unintelligible) with the

15 judge's ruling. Why don't you let your counsel ask

16 questions.

17 MR. CHOUDHRI: No, no. I'm here representing

18 myself pro se as a creditor. I have filed a proof of

19 claim. I'm a creditor. I have standing.

20 Are you saying on the record that you are

21 going to instruct your client not to answer any of my

22 questions? I just want to get this on the record so

23 it's clear. Are you instructing your client not to

24 answer any questions, and is your client going to take

25 your advice?

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1 MR. BALLASES: Yeah, so the way this
2 proceeding words, there's a court reporter who writes
3 down everything we say. I've been clear in my speech
4 and what I say in my objections. If you're confused,
5 you can ask the court reporter to read it back, or you
6 can just take better notes. Be quiet, and let your
7 counsel ask questions.

8 MR. CHOUDHRI: So just so the record is
9 crystal clear, Mr. Ballases, you are instructing your
10 client, Omar Khawaja, who is a deponent today, to not
11 answer any questions that I'm gonna have, and you're
12 also obstructing my ability to object or make any
13 objections in this deposition. Is that all correct?
14 I just want to make sure the record is very crystal
15 clear.

16 MR. BALLASES: Let Mr. Sather ask his
17 questions. Please be quiet.

18 MR. CHOUDHRI: Sir, I just want to clarify,
19 because I have a right to be here and object, and you
20 are --

21 MR. BALLASES: Let --

22 MR. CHOUDHRI: -- telling me to be quiet.

23 MR. BALLASES: -- (unintelligible) questions.
24 So let your counsel ask questions. You're wasting
25 everybody's time.

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1 MR. CHOUDHRI: Okay. Just so the record is
2 clear, you are refusing to allow me to participate and
3 object and ask questions in this deposition that I've
4 cross-noticed; is that correct? So we're clear, is
5 that correct or not?

6 MR. BALLASES: You are not a party. You do
7 not --

8 THE REPORTER: I'm --

9 MR. BALLASES: Let me make it very clear for
10 you. You are not a party to this dispute. You are
11 not an attorney. You lack standing. This is not a
12 creditors' meeting. We've objected to your
13 cross-notice. Is that clear enough for you, buddy?

14 MR. CHOUDHRI: Mr. Sather, please proceed.
15 We'll -- we'll deal with this on the record later and
16 deal with the Court.

17 And -- and as you know, Mr. Ballases, counsel
18 for Dalio is also on the line. Are you also objecting
19 for them -- for Dalio's counsel to ask questions? Is
20 that your --

21 MR. BALLASES: Yeah.

22 MR. CHOUDHRI: -- position?

23 MR. BALLASES: Yeah.

24 MR. CHOUDHRI: And you're gonna instruct your
25 client, Omar Khawaja, to not answer questions --

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1 MR. BALLASES: Mr. Choudhri, my point is you
2 like to play attorney, but you're not an attorney, and
3 you don't know the legal procedure or the rules or
4 regulations of court. So please be quiet and let the
5 deposition proceed. You're wasting everybody's time.

6 MR. CHOUDHRI: Okay, Mr. Ballases. You don't
7 have to be disrespectful. I was -- you know, the
8 rules apply to all of us. If I'm pro se or if -- or
9 if you're a lawyer, the rules apply equally. And I
10 have to follow the rules, just like you have to follow
11 the rules. And when a judge makes a ruling, it
12 applies, and it says what it says. We all got to
13 honor it. But you're refusing to honor the judge's
14 ruling. I understand that. You're refusing to honor
15 what --

16 MR. BALLASES: (Unintelligible)

17 MR. CHOUDHRI: -- Judge Robinson said on his
18 oral order.

19 THE REPORTER: Sorry. Just one person at a
20 time.

21 Mr. Ballases, I can hear you speaking in the
22 background, but I can't hear what you're saying while
23 Mr. Choudhri is speaking.

24 So just one person at a time if you'd like
25 this on the record, please.

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1 MR. BALLASES: Mr. Sather, please continue.

2 Q. (BY MR. SATHER) Mr. Khawaja, I have brought
3 back up Exhibit Number 1, the proof of claim. When
4 you authorized the proof of claim to be filed, did you
5 understand that it was being filed under penalty of
6 perjury?

7 A. Yes.

8 Q. And as a lawyer, do you know what penalty of
9 perjury means?

10 A. Yes.

11 MR. BALLASES: Objection. Form.

12 Q. (BY MR. SATHER) Now, what was your purpose in
13 filing the proof of claim?

14 A. The purpose in filing the proof of claim? I
15 mean, it's to collect monies that are owed to us.

16 Q. Any other purpose?

17 A. No, that's it.

18 Q. Now, I'm going to show you Exhibit Number 5,
19 and I'm going to try to make it bigger.

20 (Debtor's Exhibit No. 5 was marked for
21 identification.)

22 Q. (BY MR. SATHER) Were you aware that Texas
23 REIT, LLC, filed an objection to the proof of claim?

24 A. Yes.

25 Q. And were you aware that you have not filed a

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1 response to this objection to proof of claim?

2 A. No.

3 Q. And do you see that this was filed with

4 negative notice language?

5 A. I'm not sure what that means, sir.

6 Q. Okay. Fair question.

7 Next, I'd like to show you what we've marked

8 as Exhibit Number 6, which is --

9 A. Yes.

10 Q. -- a motion for leave to withdraw Claim

11 Number 9.

12 (Debtor's Exhibit No. 6 was marked for

13 identification.)

14 Q. (BY MR. SATHER) Do you see that?

15 A. Yes, sir, I do.

16 Q. And what is your understanding of the reason

17 why you filed a -- well, let me ask you this: Did you

18 authorize the motion for leave to withdraw Claim

19 Number 9?

20 A. I did.

21 Q. And why did you authorize the claim to be

22 withdrawn?

23 A. It appears there's no money in Texas REIT,

24 LLC.

25 Q. Any other reason?

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1 A. No, sir. That's it.

2 Q. And do you understand that the consequence of
3 withdrawing the claim means that you're not able to
4 assert a claim to any of the property in the Texas
5 REIT bankruptcy estate?

6 MR. BALLASES: Objection. Form. You're going
7 beyond the scope of the limited purpose of this
8 deposition.

9 MR. SATHER: I don't believe so.

10 Q. (BY MR. SATHER) Are you aware that Texas REIT
11 has objected to withdrawal of the proof of claim
12 unless it is withdrawn with prejudice?

13 A. I wasn't aware of that, no.

14 Q. All right. Do you know what "with prejudice"
15 means?

16 A. Yes, I do.

17 Q. And you understand that if the claim is
18 withdrawn with prejudice, you can never make these
19 allegations against Texas REIT again.

20 A. Yes, I understand that.

21 MR. SATHER: All right. At this point I will
22 pass the witness. I know there are other counsel
23 present who wish to ask questions, and so I'm not
24 concluding the deposition. I'm giving the other
25 parties present an opportunity to ask their questions.

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1 BY MS. HOOD:

2 Q. Mr. Khawaja, my name is Lori Hood, and I

3 represent Dalio Holdings. Nice to meet you.

4 MR. BALLASES: Ms. Hood --

5 A. Nice to meet you.

6 MR. BALLASES: -- I'm going to go ahead and

7 just object. I'm not going to let you ask questions.

8 You're not a party to this dispute, and you lack

9 standing to be here. This isn't a creditors' meeting,

10 and so -- and of course, your notice was just filed

11 this morning, which we're going to object to. So I'm

12 not going to let you ask questions.

13 MS. HOOD: All right. Mr. Ballases, my notice

14 was this morning because you failed to give notice to

15 all the creditors that this was taking place.

16 In my understanding -- and my client is a

17 creditor. In my understanding of the judge's ruling,

18 it allows for creditors to be in attendance at this

19 deposition and to ask questions of your clients as to

20 the basis and motivation of their filing the proof of

21 claim. We can argue all day long about whether you

22 agree with that or not. If you don't allow me to take

23 questions -- ask questions today, then we're going to

24 have a do-over because we're going to go back to the

25 Court and seek a motion to compel your client's

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1 attendance at a deposition where I will ask my

2 questions.

3 MR. BALLASES: So that's not the Court's

4 order. The Court's order was to allow Mr. Sather to

5 take questions -- or to ask questions to determine the

6 basis to -- as to why we filed the proof of claim and

7 why it has been requested to be withdrawn.

8 It is not for creditors to ask questions. The

9 creditors -- this isn't a creditors' meeting, and so

10 I'm not going to let you ask -- I mean, you can ask

11 him, but I'm going to instruct him not to answer

12 because I think you're violating the Court's ruling,

13 and I'm going to abide by the Court's ruling.

14 MS. HOOD: So you're -- no matter what

15 question I ask him, you're going to tell him not to

16 answer me?

17 MR. BALLASES: Yes, ma'am.

18 MS. HOOD: Okay. And that's --

19 MR. BALLASES: You're violating the Court's

20 ruling, and I want to abide by it.

21 MS. HOOD: All right. So you want to abide by

22 the Court's ruling, and we have a difference of

23 opinion as to the impact and the breadth of the

24 Court's ruling.

25 I'm going to tell you I'm going to file a

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1 motion to compel your client's attendance at a
2 deposition where I'm going to be allowed to ask
3 questions. And when I do so, I'm going to ask for
4 compensation of my attorney's fees. Do you understand
5 that?

6 MR. BALLASES: I understand.

7 MS. HOOD: All right. And just to be clear on
8 the record, Madam Court Reporter, Mr. Ballases is
9 stating to me on the record that he's going to
10 instruct his client not to answer any of my questions
11 that I have prepared for today, all relating to the
12 filing of the proof of claim and the motivation for
13 filing the proof of claim and the motivation for
14 withdrawing the proof of claim, all of which go into
15 the merits of the judge's order.

16 And I'm objecting to Mr. Ballases' refusal to
17 allow me to take questions -- or ask questions of his
18 client and putting him on notice that I am going to
19 seek my attorney's fees as compensation for me having
20 to do a do-over with his client.

21 MR. BALLASES: For the record -- so again,
22 this is Michael Ballases -- I believe Ms. Hood is
23 misinterpreting the judge's ruling. She's not a party
24 to this -- her client is not a party to this dispute.
25 They lack standing. This is not a creditors' meeting.

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1 The basis of this deposition was for a limited purpose
2 to allow the debtor to inquire as to why we filed the
3 proof of claim and why we now want to withdraw it. We
4 are abiding by the judge's ruling, and we will not
5 deviate from it.

6 MS. HOOD: Mr. Ballases, please don't put
7 words in my mouth. And just because, you know, we're
8 here taking a deposition doesn't mean you always have
9 to get the last word in. We are in a disagreement
10 about your statements. You're not going to allow --
11 you're going to instruct your client not to answer my
12 questions. There's not much I can do about it if he's
13 going to sit here and not answer my questions.

14 I will go back to the Court and ask for him to
15 reappear and answer my questions related to the
16 subject of this deposition of which I represent a
17 creditor, and we are entitled to ask questions.

18 Your client's proof of claim has unnecessarily
19 complicated the underlying chapter proceeding and
20 gummed up a lot of other issues with regard to the
21 debtor's property, and even today they haven't
22 withdrawn their -- or released their lis pendens. So
23 there's a lot to talk to him about with regard to the
24 filing of the proof of claim, the motivation, and
25 everything else. And I've read the judge's

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1 instructions on this issue, and I believe I'm
2 completely within my rights to ask these questions.

3 And you really don't have to answer, because I
4 don't need you to answer. We're in a disagreement,
5 and I'm going to file the motion to compel. So I
6 do --

7 MR. BALLASES: (Unintelligible)

8 MS. HOOD: I do not -- I do not pass the
9 witness. I reserve my rights.

10 MR. CHOUDHRI: And --

11 MR. BALLASES: Thank you for telling me --

12 MR. CHOUDHRI: -- I would like to make the
13 record -- I would also like to make the record very
14 clear.

15 So the record is clear, Mr. Khawaja, are you
16 taking your attorney's -- are you following your
17 attorney's instructions, and are you going to refuse
18 to answer any questions asked by Lori Hood or by my --
19 or any questions that I may ask you?

20 MR. BALLASES: So no question's on the table,
21 Mr. Choudhri, so I think you're confused --

22 MR. CHOUDHRI: Mr. Ballases -- Mr. Ballases,
23 please --

24 (Crosstalk)

25 THE REPORTER: Sorry. Just --

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1 MR. CHOUDHRI: Hang on a second. I just
2 want --

3 THE REPORTER: Sorry. One at a time, please.
4 Thank you.

5 MR. CHOUDHRI: I just want to make sure that,
6 Mr. Ballases, your client can affirm that he's taking
7 your instructions, and he's not going to answer any
8 questions, so we don't have to sit here and ask
9 questions if your instructions are going to be for him
10 to not answer any of my questions that I've properly
11 cross-noticed this deposition on pursuant to the
12 Court's order. I just want to make sure the record is
13 clear that your client's not answering any questions
14 that I may ask.

15 MR. BALLASES: For the record, the record is
16 clear. I made the same objection that I made to
17 Ms. Hood as to you. You are not a party. You do not
18 have standing. You're not an attorney. This isn't a
19 creditors' meeting. We are here to answer --

20 MR. CHOUDHRI: Okay --

21 MR. BALLASES: -- the debtor's questions about
22 the proof of claim --

23 MR. CHOUDHRI: I'm --

24 MR. BALLASES: -- and that's it.

25 MR. CHOUDHRI: Okay. We have the audio of the

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1 order, oral ruling of Judge Robinson. I would like to
2 play that at this point for the record. So, please,
3 if we can play that for the record --

4 MR. BALLASES: That's not --
5 (Crosstalk)

6 THE REPORTER: I'm --

7 MR. CHOUDHRI: Tammy or Gene, can y'all play
8 that?

9 THE REPORTER: I'm sorry. Sorry. I have two
10 people speaking at once. I can hear Mr. Ballases, and
11 I can hear Mr. Choudhri. Could I please just get one
12 speaker on the record at a time.

13 MR. CHOUDHRI: So I was speaking --

14 MR. BALLASES: That's not --

15 MR. CHOUDHRI: -- and --

16 (Crosstalk)

17 THE REPORTER: Sorry.

18 MR. CHOUDHRI: So the quote from the ruling
19 is -- and I'm quoting the judge (Reading:) I'm going
20 to grant the motion as to the date and time of the
21 examinations, and my order is going to be very simple.
22 It's going to say that. It's also going to further
23 order that the debtor and any creditor -- any other
24 creditor, for that matter, that cross-noticed this
25 deposition is permitted to take a deposition --

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1 -- participate. So I just want to be clear,
2 Mr. Ballases. I want to give you one more chance so
3 we can conclude --
4 MR. BALLASES: It's not unclear --
5 MR. CHOUDHRI: -- and complete the deposition.
6 (Crosstalk)
7 MR. CHOUDHRI: Can I finish?
8 MR. BALLASES: You're being --
9 MR. CHOUDHRI: Mr. --
10 MR. BALLASES: You're being investigated
11 (unintelligible). You're being investigated by the
12 Department of Justice. You've been found by courts to
13 file lawsuits for improper purposes and harassment.
14 You're founded by courts and juries to have committed
15 fraud and libel, and you were just, on Monday, held by
16 Judge Norman to be a forger and a liar. So anything
17 you say, I don't believe --
18 MS. HOOD: How about if I -- how about if I
19 say it?
20 (Crosstalk)
21 THE REPORTER: Sorry. I'm sorry. No --
22 sorry. Sorry. I need one person speaking at a time.
23 The record is not clear when I have multiple speakers.
24 Thank you.
25 MR. CHOUDHRI: So let me just respond,

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1 Mr. Ballases. First of all, you are supporting
2 perjury. Okay? Mr. Ballases, your client has
3 solicited --

4 MR. BALLASES: (Unintelligible)

5 MR. CHOUDHRI: -- solicited people -- so,
6 please, all of this is all supported and solicited by
7 your client, and we'll get to the bottom of it --

8 MR. BALLASES: (Unintelligible)

9 MR. CHOUDHRI: -- which is why your client
10 doesn't want to answer questions. I understand that.

11 THE WITNESS: You'll be a great jailhouse
12 lawyer.

13 MR. CHOUDHRI: This is proper --

14 THE REPORTER: I'm sorry --

15 MR. BALLASES: Can we start the next --

16 MR. CHOUDHRI: Sorry?

17 MR. BALLASES: -- deposition? Can we start --

18 MR. CHOUDHRI: Hold on.

19 MR. BALLASES: -- the next deposition --

20 THE WITNESS: You're going to be a great
21 lawyer --

22 MR. BALLASES: -- if Mr. Sather doesn't have
23 any more questions?

24 THE WITNESS: You'll be a great lawyer in
25 jail, man.

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1 MR. CHOUDHRI: Okay. So -- so that's your
2 goal --

3 MR. BALLASES: (Unintelligible)

4 MR. CHOUDHRI: -- going around telling
5 people --

6 THE REPORTER: I'm sorry --

7 MR. BALLASES: -- let's jump to the next
8 witness --

9 MR. CHOUDHRI: Please --

10 THE REPORTER: I'm sorry. Sorry. Sorry. I
11 am not getting Mr. Ballases' words on the record.

12 Mr. Ballases, if you have something to say, I
13 need just one speaker at a time. I'm not getting
14 anything you're saying at this point.

15 MR. BALLASES: Okay. What I'm saying is --

16 MR. CHOUDHRI: Please, Mr. Ballases, go ahead.

17 MR. BALLASES: -- (unintelligible) remains the
18 same. And if Mr. Sather has more questions, we're
19 happy to answer them. If he doesn't, then let's go to
20 the next witness.

21 MR. CHOUDHRI: No, no. We're -- we're not --
22 we're not playing any games here. Please play the
23 audio from the Court's ruling. Let's do that right
24 now --

25 MR. BALLASES: Okay (unintelligible) --

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1 MR. CHOUDHRI: -- so the record is crystal
2 clear.

3 THE WITNESS: This is getting ridiculous.

4 MR. BALLASES: I'm going to end the deposition
5 if Mr. Sather doesn't have any more questions, and we
6 can jump to --

7 MR. CHOUDHRI: You can't end the deposition --
8 (Crosstalk)

9 MR. CHOUDHRI: Unless all parties agree to go
10 off the record, we stay on the record. That's the
11 rule, Mr. Ballases. The rule applies to everyone.

12 Please play --

13 MR. BALLASES: (Unintelligible)

14 MR. CHOUDHRI: -- the audio --
15 (Crosstalk)

16 MR. CHOUDHRI: Please play the audio --

17 MR. BALLASES: I'm going to shut it down if
18 you don't take control of your client in the
19 deposition. Your choice, Mr. Sather.

20 MR. CHOUDHRI: I'm here as a creditor. We're
21 going to play the audio --

22 MR. BALLASES: (Unintelligible) Okay.

23 MR. CHOUDHRI: Mr. --

24 MR. BALLASES: We're going to -- we're all
25 ready to go forward with the next witness. We're

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1 here, and we're ready to go forward.

2 Mr. Sather, if you have more questions, let me

3 know, and he will stay and answer them.

4 MR. SATHER: I am adjourning the deposition --

5 MR. CHOUDHRI: I have the floor. I have the

6 floor. I'm a creditor. I've cross-noticed this

7 deposition. Please play --

8 MR. BALLASES: (Unintelligible)

9 MR. CHOUDHRI: -- the oral ruling from the

10 Court right now. Go ahead.

11 MR. BALLASES: Mr. Sather --

12 (Crosstalk)

13 (Audio file played.)

14 THE REPORTER: I'm sorry. Sorry. I -- I'm

15 sorry. Mr. McCubbin, I cannot hear anybody when I

16 have multiple speakers at once. I don't know if you

17 want this on the record, but it's going in as

18 crosstalk because it's not coming through clearly.

19 MR. CHOUDHRI: Yes, Madam Court Reporter.

20 MR. BALLASES: Mr. Sather --

21 MR. CHOUDHRI: I have the floor.

22 MR. BALLASES: -- (unintelligible) the

23 questioning --

24 MR. CHOUDHRI: Please stop interrupting,

25 Mr. Ballases.

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1 MR. BALLASES: -- (unintelligible) not going
2 to the next witness.

3 MR. CHOUDHRI: I am -- I am making the record.
4 Mr. Ballases, please let me speak, and please don't
5 interrupt me. Okay? Please --

6 MR. BALLASES: Okay --

7 MR. CHOUDHRI: -- play the audio ruling of
8 Judge Robinson --

9 MR. BALLASES: We're going to --

10 MR. CHOUDHRI: -- so it's clear on the record.
11 Go ahead.

12 (Audio file played.)

13 MR. CHOUDHRI: No, we're -- we're --

14 (Audio file continues playing.)

15 MR. MCCUBBIN: He just said any other
16 creditor (unintelligible) --

17 THE REPORTER: I'm sorry, Mr. McCubbin. You
18 just cut out for a second.

19 MR. MCCUBBIN: He just said --

20 MR. CHOUDHRI: Go and play that,

21 Mr. McCubbin --

22 MR. MCCUBBIN: -- any other creditor --

23 MR. CHOUDHRI: -- just so the record is clear.

24 Please go ahead --

25 MR. MCCUBBIN: The judge just stated any other

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1 creditor. I can replay it.

2 MR. CHOUDHRI: Please replay it for the record

3 so the record is crystal clear, and it's the judge --

4 So, Madam Court Reporter, so the record is

5 clear, we are about to begin playing the oral ruling

6 of Judge Robinson.

7 THE REPORTER: Okay. So are you wanting me to

8 transcribe --

9 MR. CHOUDHRI: Yes.

10 THE REPORTER: -- this audio into the record?

11 MR. CHOUDHRI: Yes. Yes, Madam Court

12 Reporter. He's about -- we're about to play the

13 judge's ruling -- oral ruling on the record so that

14 way we can have a simple and clean completion of this

15 deposition and end this shenanigan and argument with

16 Mr. Ballases.

17 Please, Mr. -- please, sir, please proceed

18 with the record -- the audio ruling of Judge Robinson.

19 Go ahead.

20 (Audio file played.)

21 THE REPORTER: I'm sorry. Sorry --

22 (Audio file continues playing.)

23 THE REPORTER: Sorry. The audio is not clear.

24 The audio is not crystal clear. I hear Mr. Sather

25 responding on the audio, and it's not clear.

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1 Typically in a transcript, we do not
2 transcribe audio played.

3 MR. BALLASES: And I'm going to object --

4 MR. CHOUDHRI: Time out.

5 MR. BALLASES: I'm objecting --

6 MR. CHOUDHRI: We're going to e-mail you --
7 Court Reporter, we're going to e-mail you this audio
8 right now, and he's going to adjust the volume and
9 play it again.

10 Go ahead. Play it again, please.

11 And, Court Reporter, let us know if you're
12 getting a clear --

13 MR. BALLASES: Mr. Sather --

14 MR. CHOUDHRI: -- read on it. Okay?

15 MR. BALLASES: -- take control of the depo.
16 This is a waste of time. It's a waste of the client's
17 time --

18 MR. CHOUDHRI: Mr. Ballases, please -- please
19 stop talking.

20 MR. BALLASES: -- (unintelligible) control of
21 the deposition --

22 MR. CHOUDHRI: I have the floor --

23 MR. SATHER: You don't have it yet,
24 Mr. Choudhri.

25 (Crosstalk)

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1 MR. BALLASES: Let's just jump to the next
2 witness. I'm not allowing the questions to be asked.
3 So it's not going to change. We're just wasting
4 time --

5 MR. CHOUDHRI: We're playing the oral ruling
6 of Judge Robinson. Please, Mr. Ballases, be quiet so
7 we can play the ruling of Judge --

8 MR. BALLASES: (Unintelligible)

9 MR. CHOUDHRI: -- Judge Robinson's ruling.

10 MR. BALLASES: (Unintelligible) we're not
11 going to play -- we're not -- that's not how
12 depositions work, Mr. Choudhri. I'm sorry you like to
13 play an attorney --

14 MR. CHOUDHRI: Well, please --

15 MR. BALLASES: -- but that's not how this
16 works. So either I'm going to --

17 MR. CHOUDHRI: No. No, no. Please stop.

18 MR. BALLASES: Again, I'm going to get off --
19 if you'd like to have another -- if you'd like to ask
20 questions of my other clients, I'm happy to do that,
21 and you're happy to ask questions, Mr. Sather. But
22 these shenanigans are not --

23 MR. CHOUDHRI: If your --

24 MR. BALLASES: -- going to happen.

25 MR. CHOUDHRI: -- responses, Mr. Ballases, is

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1 gonna -- the shenanigans are yours, Mr. Ballases. If
2 your responses are gonna be the same and you're not
3 going to allow cross-notice creditors who are here,
4 want to ask questions, then let's clarify this right
5 now so we can complete the deposition properly,
6 Mr. Ballases. Please don't obstruct the discovery
7 right now.

8 Go ahead and play the oral ruling of Judge
9 Robinson.

10 MR. BALLASES: I'm going to object --
11 (Audio file played.)

12 THE REPORTER: I'm sorry. I'm sorry. I
13 cannot hear when Mr. Ballases is speaking --

14 MR. CHOUDHRI: Mr. Ballases --

15 THE REPORTER: I need one person --

16 MR. CHOUDHRI: Mr. Ballases --

17 THE REPORTER: -- at a time.

18 MR. CHOUDHRI: -- intentionally --

19 Mr. Ballases intentionally interferes, interrupts when
20 we play the ruling of Judge Robinson that is gonna
21 clarify this issue that cross-notice creditors are not
22 allowed to participate and ask questions.

23 So please play the ruling of Judge Robinson.

24 And, Mr. Ballases, please refrain and be
25 quiet, because the court reporter cannot take

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1 different people talking at the same time.

2 So please play the audio of Judge Robinson.

3 THE REPORTER: Sorry --

4 MR. CHOUDHRI: Go ahead.

5 THE REPORTER: Sorry. One second, please,
6 before you play it.

7 Mr. Sather, this is your deposition
8 transcript. Normally if I can't hear, I can't
9 transcribe what's being said. It would need to be
10 transcribed separately, because I'm not transcribing
11 this on the record right now if I cannot hear it
12 clearly.

13 MR. SATHER: All right. If you're unable to
14 hear it clearly, I suggest that we move on. The judge
15 said what he said. I do have one more question for --

16 MR. CHOUDHRI: Hold on, Mr. Sather. Just one
17 second, please, before we conclude anything here. I
18 do want to take a break before we do conclude
19 anything, but I want to play this, and I think he can
20 do it a little bit louder.

21 Let's try if you can hear it again. Ms. Court
22 Reporter, let's try one more time.

23 MR. BALLASES: (Unintelligible)

24 MR. CHOUDHRI: Go ahead. Play the recording.

25 THE REPORTER: I'm sorry. Mr. Ballases --

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1 MR. BALLASES: The court reporter is saying
2 (unintelligible).

3 THE REPORTER: I'm sorry. Mr. Ballases, could
4 you please repeat that?

5 MR. BALLASES: Sure. I just was telling
6 Mr. Choudhri that you have instructed him you cannot
7 take it down in this manner, and so I'm just trying to
8 tell him that he's wasting more time.

9 Mr. Sather --

10 MR. CHOUDHRI: Mr. Ballases, that's not what
11 she said.

12 MR. BALLASES: -- if you want to go --

13 MR. CHOUDHRI: Mr. Ballases, we're going to
14 try for her to hear it. Okay?

15 MR. BALLASES: Okay. Call us when you're
16 ready --

17 MR. CHOUDHRI: So she's being very cooperative
18 and polite.

19 Please, Mr. Ballases, be quiet.

20 Go ahead, Mr. -- sir. Please play the -- play
21 the audio for the judge's ruling.

22 (Audio file played.)

23 MR. MCCUBBIN: He said, And any other
24 creditor.

25 MR. CHOUDHRI: Can you please --

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1 MR. SATHER: Madam Reporter --

2 MR. CHOUDHRI: Please play the -- please play
3 the whole recording.

4 MR. MCCUBBIN: The recording is starting --

5 MR. SATHER: Okay. Stop. Stop.

6 Madam Reporter, were you able to get the last
7 excerpt?

8 MR. BALLASES: Ms. Court Reporter, you told us
9 you couldn't take anything down in that manner. It'd
10 have to be transcribed by the person who noticed the
11 deposition, Mr. Sather. I assume you're going to
12 stick by what you stated earlier.

13 THE REPORTER: Okay. It's not crystal clear.
14 And because it's being played, I'm not sure where the
15 audio and where it is stopping.

16 MR. CHOUDHRI: Well, let's take a five-,
17 ten-minute break. Let's e-mail it to you, Madam Court
18 Reporter, and so we can be efficient, and that way we
19 don't have to interrupt the deposition and come back a
20 different day and go seek court intervention. We can
21 save the Court's time and not bother the Court.

22 But if Mr. Ballases insists that we have to
23 bother the Court, then we'll seek emergency relief
24 from the Court. But why don't we go ahead and e-mail
25 you right now.

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1 And let's not allow anybody to bully anybody
2 here. So, Mr. Ballases, please don't put words in her
3 mouth.

4 So let's go ahead and take -- because at this
5 point, this is -- I've cross-noticed the depo, and I
6 want the record to be clear. If Mr. Ballases is going
7 to continue to not allow questions despite the order
8 by the judge being shown and heard for him -- so the
9 record is clear. But we'll go ahead and take a --
10 let's go and take a ten-minute break.

11 Madam Court Reporter, we're going to e-mail
12 you the audio oral ruling of Judge Robinson so we can
13 have a smooth deposition and complete discovery, and
14 no one can obstruct this process. Okay? So can you
15 provide your e-mail address, Madam Court Reporter,
16 just so I have it?

17 MR. BALLASES: Mr. Sather, are we moving on to
18 the next witness?

19 MR. SATHER: Yeah, I don't think this is
20 productive. Mr. Ballases has indicated that he is not
21 going to allow you to ask questions regardless of what
22 the Court ruled, and so it is my intent at this time
23 to adjourn the deposition subject to any future
24 rulings from Judge Robinson. If Judge Robinson
25 allows --

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1 MR. CHOUDHRI: Well --

2 MR. SATHER: -- the other parties to ask
3 questions, I may have -- I reserve the right to ask
4 follow-up questions.

5 MR. CHOUDHRI: So -- so I --

6 MR. BALLASES: Would you like to ask --

7 MR. CHOUDHRI: No, no. Hold --

8 MR. BALLASES: Would you like to proceed --
9 (Crosstalk)

10 THE REPORTER: I'm sorry. I can't --

11 MR. BALLASES: -- with Osama Abdullatif or
12 John Quinlan next?

13 THE REPORTER: Mr. Ballases -- sorry --

14 MR. CHOUDHRI: Hang on a second.

15 THE REPORTER: -- Mr. Ballases --

16 MR. CHOUDHRI: I have --

17 THE REPORTER: -- could you --

18 MR. CHOUDHRI: -- contacted the Court. I'll

19 be e-mailing the Court right now. We are not
20 suspending this deposition. I want to go ahead and
21 pause the deposition. We are going to contact the
22 Court. Okay?

23 Madam Court Reporter, would you give us your
24 e-mail address, please?

25 THE REPORTER: And I just want to note,

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1 Mr. Ballases, I did not get anything you just said as
2 you were speaking at the same time as Mr. Choudhri.

3 So do you have anything to put on the record?

4 MR. BALLASES: Myself, me?

5 THE REPORTER: Yes. I did not get what you
6 were saying while -- after what Mr. Sather said.

7 MR. BALLASES: Sure. I just asked Mr. Sather
8 if we're ready to move to the next witness. I think
9 he indicated he was before Mr. Choudhri interrupted.
10 And so that's all I'm asking.

11 MR. CHOUDHRI: So --

12 MR. BALLASES: Do we want to move to the next
13 witness, Steve?

14 MR. CHOUDHRI: So this part is -- at this
15 moment, I'd like to e-mail the court reporter the
16 judge's oral ruling, and let's take a 15-minute break.
17 And I've already reached out to the Court. The Court
18 has asked for us to e-mail the Court for relief so we
19 can complete the deposition and not waste the Court's
20 time or disrupt the deposition and have to come back a
21 different day. Everybody's schedules are -- are very
22 important.

23 Mr. Ballases, in the event we are able to
24 resume or reschedule the deposition, can you provide
25 us dates?

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1 MR. BALLASES: Steve, can we move on? Can you
2 control your client to any degree? I mean --

3 MR. SATHER: Mr. Choudhri --

4 MR. CHOUDHRI: I'm not his client.

5 MR. SATHER: -- is not my client in his
6 individual capacity, and therefore --

7 MR. BALLASES: I understand he's a principal
8 of Texas REIT, the debtor.

9 MR. SATHER: He's also asserting his right to
10 appear as a pro se creditor and that I do not have any
11 control over that capacity. If he wishes to contact
12 the Court, that is his business.

13 MR. BALLASES: I understand that, but you've
14 noticed the deposition. Do we want to proceed with
15 the next witness? I've got my --

16 MR. CHOUDHRI: And we --

17 MR. BALLASES: -- clients here. We've
18 rearranged our schedules for you. Do you want to take
19 the deposition or not? It's up to you, Steve.

20 MR. SATHER: I want to proceed --

21 MR. CHOUDHRI: We are resuming. We are
22 pausing the deposition, and we're going to have a
23 conversation, and we'll come back in 15 minutes on the
24 record.

25 But in the meantime, Court Reporter, can I

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1 have your e-mail address so we can e-mail you the
2 audio ruling of the judge? And I think that'll solve
3 any issues and resolve the -- the objection or
4 position that Mr. Ballases is taking that the judge
5 said something the judge didn't say, so it's clear.
6 If I can get your e-mail address, we can e-mail you
7 the audio right now, and we can resume.

8 Let's -- let's resume the deposition at noon.
9 It's 11:40 right now.

10 THE REPORTER: Okay. May I go off the record,
11 please? If we're pausing?

12 MR. CHOUDHRI: Please.

13 MR. SATHER: Yes, you may. Yes.

14 MR. BALLASES: Yes, you can go off the record.

15 THE REPORTER: Okay. So I am off the record.

16 (Discussion held off the record.)

17 (A recess was taken.)

18 THE REPORTER: Back on the record.

19 MR. BALLASES: So this is Michael Ballases,
20 counsel for John Quinlan, Omar Khawaja, and Osama
21 Abdullatif. There is no written order, but I did
22 listen to the recording, and it appears he did say
23 "creditors." And so I was mistaken, and so I will
24 allow creditors to ask questions, however, in the
25 limited capacity that he stated in the oral hearing.

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1 So we can go forth with Mr. Khawaja.

2 Ms. Hood, if you want to ask questions, go for

3 it.

4 MS. HOOD: Thanks. Okay. Steve, I may use

5 your exhibits, so if you can have those by the --

6 MR. SATHER: I'm happy to --

7 MS. HOOD: -- by the ready for me, I

8 appreciate it.

9 MR. SATHER: -- put them up on the screen if

10 you need them.

11 MS. HOOD: Thank you.

12 BY MS. HOOD:

13 Q. Mr. Khawaja, my name is Lori Hood. We've

14 never met before; correct?

15 A. That's correct.

16 Q. And I understand that you are an attorney

17 licensed in the state of Texas; correct?

18 A. That's also correct.

19 MR. BALLASES: Objection. Form.

20 Q. (BY MS. HOOD) And do you practice law?

21 A. Yes, ma'am.

22 MR. BALLASES: Objection. Form.

23 Q. (BY MS. HOOD) And do you have -- where do you

24 practice law?

25 MR. BALLASES: Objection --

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1 A. At my own law firm.

2 Q. (BY MS. HOOD) And what is the name of that
3 law firm?

4 A. The Law Offices of -- and my name.

5 Q. And where is that? Where are your offices
6 located?

7 MR. BALLASES: Objection. Form.

8 A. On Richmond and Sage.

9 MS. HOOD: If you'll -- thanks, Steve. Can
10 you scroll down, Steve?

11 MR. SATHER: Certainly.

12 Q. (BY MS. HOOD) In the proof -- if I understand
13 your testimony correctly, you stated that your proof
14 of claim is based upon some judgments that you had
15 assigned to you by virtue of purchasing those
16 judgments from third parties; is that correct?

17 MR. BALLASES: Objection. Form.

18 A. Yes.

19 MS. HOOD: Mr. Ballases, what is the basis of
20 your objection?

21 MR. BALLASES: Asked and answered. We've gone
22 through all this.

23 MS. HOOD: And I understand that,
24 Mr. Ballases, but you were objecting quite frequently
25 to Mr. Sather's questions, and I just want to make

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1 sure that the record is clear with regard to what your
2 objection is. I didn't know what your objection was
3 during his questioning, and so I'm just trying to make
4 sure that if the question needs to be rephrased or has
5 come out at a different angle, that the question is
6 clear to your client and that we're not going to deal
7 with objections in the transcript later on. Is that
8 fair?

9 MR. BALLASES: I'm going to make my objections
10 according to the rules. You can respond how you think
11 appropriate pursuant to the rules.

12 MS. HOOD: Okay. I appreciate that.

13 Oops. What's that? No, take that down.

14 MR. SATHER: Sorry.

15 Q. (BY MS. HOOD) All right. So -- okay. So
16 this proof of claim is your individual proof of claim;
17 is that correct?

18 A. My individual proof of claim? It looks like
19 my name is on there as well as Mr. Quinlan's and
20 Mr. Abdullatif's.

21 Q. Right. But this isn't a proof of claim you
22 filed on behalf of your law office; correct?

23 A. Oh, yeah. Yeah, that's filed on my behalf,
24 correct. Mm-hmm.

25 Q. And if I understand your testimony, the value

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1 of the property that is included in Section 9 consists
2 of the total of the three judgments that form the
3 basis of your proof of claim; correct?

4 A. That's right.

5 Q. And you've used these three judgments as the
6 basis for filing an adversary action in the Southern
7 District but also attached the adversary action to
8 your proof of claim; is that correct?

9 A. That sounds correct.

10 Q. Okay. So if I can drill down, we've got --
11 the basis for your proof of claim was, one, three
12 judgments and, two, an adversary action; is that
13 correct?

14 A. That sounds correct.

15 Q. All right. And the basis of the adversary
16 action were the three judgments; is that correct?

17 MR. BALLASES: Objection. Form.

18 A. Sorry. Can you repeat the question?

19 Q. (BY MS. HOOD) Yeah. The basis of your
20 adversary action is the three judgments that you claim
21 you're unable to collect; is that correct?

22 A. That's correct.

23 MR. BALLASES: I'm going to object to form.

24 MS. HOOD: And what is the basis of your
25 objection?

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1 MR. BALLASES: I think it's vague and
2 ambiguous and misstates the evidence. I mean, the
3 petition or the complaint speaks for itself.

4 MS. HOOD: So last time I checked, documents
5 don't talk. So let me correct my question just to
6 make it clear.

7 Q. (BY MS. HOOD) Mr. Khawaja, in your adversary
8 action which is attached to your proof of claim, you
9 reference three judgments; is that correct?

10 A. Yes.

11 Q. And you testified earlier, when Mr. Sather was
12 asking you questions, that the reason you brought the
13 adversary action was your inability to collect on
14 those judgments and that somehow all of these related
15 entities are alter egos of Mr. Choudhri; correct?

16 A. Yes.

17 Q. Okay. Let me drill down on the judgments.
18 You state that you're an assignee of two of
19 these judgments; is that correct?

20 A. That's correct.

21 MR. BALLASES: Objection. Form.

22 MS. HOOD: All right. What is the basis of
23 your objection?

24 MR. BALLASES: Asked and answered. This has
25 been already discussed and answered clearly by

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1 Mr. Sather.

2 MS. HOOD: Okay. I disagree --

3 MR. BALLASES: You're just rehashing --

4 MS. HOOD: -- but -- okay. Let me finish.

5 Q. (BY MS. HOOD) You have --

6 MS. HOOD: Steve, can you go to the basis of
7 the damages that were attached? And thank you for
8 being my paralegal. I appreciate it.

9 Q. (BY MS. HOOD) All right. So Judgment
10 Number 1, you have an assigned interest in; correct?

11 A. Yes.

12 MR. BALLASES: Objection. Form.

13 Q. (BY MS. HOOD) Before you purchased your
14 assignment, did you do any due diligence on the
15 underlying pleadings in the case?

16 MR. BALLASES: Objection. Form.

17 A. Yes.

18 Q. (BY MS. HOOD) And because you did underlying
19 due diligence in the case, you understand that nowhere
20 in that case is there any allegation of fraudulent
21 transfer; correct?

22 A. In which case?

23 Q. Judgment Number 1, Davy versus Heil.

24 A. I mean, I didn't get into the facts of that
25 case. There's a final judgment, I purchased it, and

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1 it was assigned to me. Why do I care what happened in
2 that case?

3 Q. Okay. Well, I just asked you if you looked at
4 the underlying pleadings in the case, and you said
5 yes. So now your testimony is that you did not look
6 at the underlying pleadings.

7 A. I mean, I skimmed through them.

8 Q. And as you were skimming through them, did you
9 understand that there was no cause of action for
10 fraudulent transfers?

11 A. I don't recall.

12 Q. Have you read the judgment?

13 A. Yes, I have.

14 Q. And did you read it before you purchased it?

15 A. Yes, I did.

16 Q. And do you understand that nowhere in that
17 judgment is there a finding of fraudulent transfers?

18 A. Okay. If you say so.

19 Q. Well, no, I'm asking you if you've read it and
20 if you understand that.

21 MR. BALLASES: Objection. Form.

22 A. I mean, if there isn't, I'm gonna take your
23 word for it and say there isn't.

24 Q. (BY MS. HOOD) Okay. Well, take my word for
25 it. There isn't.

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1 Did you purchase this judgment at a discount?

2 MR. BALLASES: Objection. Form.

3 A. I don't recall.

4 MS. HOOD: What's the basis for your
5 objection?

6 MR. BALLASES: Lacking relevance. The purpose
7 of the deposition is to understand why the proof of
8 claim was filed and why it is now being withdrawn.

9 MS. HOOD: All right. Well, I think --

10 (Crosstalk)

11 MR. BALLASES: (Unintelligible) an underlying
12 matter in the Southern District.

13 MS. HOOD: All right. I disagree with your
14 analysis, but we can argue that another day.

15 Q. (BY MS. HOOD) So you don't recall how much
16 you purchased the judgment for.

17 A. Correct.

18 Q. And you are one of three assignees of this
19 judgment; correct?

20 A. That's correct.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MS. HOOD) Before you purchased the
23 judgment, did you have an agreement with the other two
24 claimants, Mr. Quinlan and Mr. Abdullatif, as to why
25 you were purchasing the judgment?

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1 MR. BALLASES: Objection. Form.

2 A. Did I have an agreement as to why we were
3 purchasing the judgment? I mean, the purpose of
4 purchasing the judgment is to collect on a judgment,
5 so that was the agreement.

6 Q. (BY MS. HOOD) So you sat down with the other
7 two gentlemen, and the three of you decided to
8 purchase this judgment together.

9 A. I don't recall if we sat down together
10 anywhere and had that -- a sit-down discussion about
11 what was gonna happen. I think maybe that did.

12 Q. Maybe it did, or maybe it didn't?

13 A. Yeah. Maybe it was a phone call; maybe it was
14 a sit-down meeting.

15 Q. When did you --

16 MR. BALLASES: And just for the record --

17 Q. (BY MS. HOOD) Can you tell us when the
18 judgment --

19 MR. BALLASES: Just so that I have --

20 THE REPORTER: I'm sorry. I'm sorry.

21 MS. HOOD: Sorry.

22 THE REPORTER: I hear somebody else speaking.

23 MR. BALLASES: Sure. I just -- I wanted to
24 caution Ms. Hood.

25 You're getting real close to attorney-client

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1 privilege and/or work product legal privilege. So I
2 don't think you're there yet, but you're close, so I
3 just wanted to warn you to keep that in mind.

4 Q. (BY MS. HOOD) Sure. And, Mr. Khawaja, please
5 understand that I don't want to know what you talked
6 about with your lawyers, okay, ever, or what your
7 lawyers have discussed with you regarding their
8 strategy. Okay? So if you feel like you have to
9 reveal that kind of information in response to my
10 question, I don't want to know that stuff. Okay?

11 And certainly you understand as a lawyer that
12 you have the right to discuss this kind of response
13 with your lawyer prior to answering; right?

14 A. Yes.

15 Q. Can you tell us when you -- when you purchased
16 the judgment?

17 A. Sometime before this proof of claim was filed.
18 I don't recall exactly when, no.

19 Q. Do you recall the year?

20 A. I think it was --

21 MR. BALLASES: Objection. Form.

22 A. I think it was 2023.

23 Q. (BY MS. HOOD) And how did it come about that
24 this judgment came across your desk to be purchased?

25 MR. BALLASES: Objection. Form.

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1 Q. (BY MS. HOOD) You can answer.

2 A. I mean, that's -- that's privileged

3 information that I'm not gonna discuss.

4 MR. BALLASES: I'll go ahead and assert the
5 attorney work product, attorney-client privilege. I'm
6 going to instruct him not to answer.

7 Q. (BY MS. HOOD) How do you typically learn of
8 judgments that are available for you to purchase?

9 A. I would say typically it is something that's
10 brought to my attention by a third party.

11 Q. And which third party brought this particular
12 judgment to your attention?

13 MR. BALLASES: Objection. Form. Assertion of
14 attorney-client and work product legal privileges.
15 Instruct client not to answer.

16 Q. (BY MS. HOOD) Did Mr. Abdullatif bring this
17 judgment to your attention?

18 MR. BALLASES: Same assertion of privilege,
19 same instruction to the client not to answer. It
20 violates attorney-client and attorney work product.

21 Q. (BY MS. HOOD) Mr. Khawaja, do you have any
22 sort of agreement with Mr. Abdullatif or Mr. Quinlan
23 regarding a joint prosecution of this proof of claim?

24 A. We do.

25 Q. And is that in writing?

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1 MR. BALLASES: Also joint litigation

2 privilege, I'll assert.

3 Q. (BY MS. HOOD) Okay.

4 A. I'm not gonna answer.

5 Q. Is your -- is your agreement in writing?

6 MR. BALLASES: Instruct client not to answer.

7 He doesn't need to give work product, attorney-client,

8 or joint litigation privilege information away.

9 Q. (BY MS. HOOD) Back to my question.

10 Mr. Khawaja, do you have an agreement in writing with

11 Mr. Abdullatif and Mr. Quinlan with regard to pursuing

12 this proof of claim?

13 MR. BALLASES: I'm going object again to the

14 question and assert the legal privileges of

15 attorney-client, work product, also joint litigation

16 privilege and instruct the client not to answer.

17 Q. (BY MS. HOOD) Mr. Khawaja, are you adhering

18 to your -- to your counsel's instruction?

19 A. I am.

20 Q. And refusing to answer my question?

21 A. On advice of counsel, yes.

22 Q. With regard to this particular Davy-Heil

23 judgment, do you know Mr. Heil?

24 A. I don't.

25 Q. Do you know Mr. Oakum?

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1 A. I don't.

2 Q. Do you know Renee Davy?

3 A. Not personally.

4 Q. Not personally? How else would you know her?

5 A. I've seen videos of her online.

6 Q. Doing what?

7 A. Stating that Mr. Choudhri's a fraud and a

8 thief and shouldn't be trusted.

9 Q. Have you ever spoken to her?

10 A. I have not.

11 Q. When you purchased this judgment, who did you

12 pay?

13 MR. BALLASES: Objection. Form.

14 I'm going to also -- it's harassing and

15 oppressive. I'm also going to assert the

16 attorney-client, attorney work product, and joint

17 litigation privilege and instruct the client not to

18 answer.

19 Q. (BY MS. HOOD) Mr. Khawaja, are you going to

20 follow your attorney's instruction and not answer my

21 question?

22 A. I am.

23 Q. When you guys purchased your assignment of

24 this judgment, the Davy-Heil judgment, did you each

25 provide separate payment, or did it come from one

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1 source?

2 MR. BALLASES: I'm going to assert the same
3 objection and the same assertions of legal privilege
4 and instruct the client not to answer, as I did to the
5 question before.

6 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
7 follow your counsel's instruction and refuse to answer
8 my question?

9 A. I am.

10 Q. Mr. Khawaja, when you purchased your interest
11 in this judgment, did you purchase it via wire
12 transfer or a check? Cash? How did you purchase it?

13 MR. BALLASES: I'm going to assert the same
14 legal objections and the same assertions of legal
15 privilege and instruct client not to answer, as I did
16 with the previous question.

17 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
18 adhere to your client's (sic) instruction and refuse
19 to answer my question?

20 A. My counsel's. Yes, I am.

21 Q. Mr. Khawaja, do you know a gentleman by the
22 name of Wayne Dolcefino?

23 A. I've seen him online.

24 Q. And was it one of Mr. Dolcefino's videos in
25 which Ms. Davy appeared?

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1 A. I think so, yes.

2 MR. BALLASES: Objection. Form.

3 Q. (BY MS. HOOD) Have you ever met

4 Mr. Dolcefino?

5 A. I've met him, yes.

6 MR. BALLASES: Objection --

7 Q. (BY MS. HOOD) In connection with any of your

8 cases related to Mr. Choudhri?

9 A. No.

10 MR. BALLASES: Objection. Form.

11 Q. (BY MS. HOOD) With regard to this Judgment

12 Number 1 that was assigned to you, how much of -- how

13 much do you own of this judgment?

14 THE WITNESS: I think that goes to the

15 privilege again.

16 MR. BALLASES: I'm going to object to the

17 question as being oppressive and harassing and assert

18 the attorney-client, attorney work product, and joint

19 litigation privilege and instruct him not to answer.

20 Q. (BY MS. HOOD) Mr. Khawaja, are you going to

21 adhere to your lawyer's instruction not to answer my

22 question?

23 A. I am.

24 Q. As you sit here today, you're not going to

25 tell me how much of this \$501,513.85 judgment that you

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1 own.

2 MR. BALLASES: Objection. Form.

3 A. On advice of counsel, I will not answer that

4 question.

5 Q. (BY MS. HOOD) And you testified that you

6 purchased this judgment sometime last year; correct?

7 MR. BALLASES: Objection. Form.

8 A. I believe so, yes.

9 Q. (BY MS. HOOD) Okay. And what have you done

10 to try and collect this judgment?

11 A. Well, we filed --

12 MR. BALLASES: Objection. Form.

13 A. -- in Bankruptcy Court or, I guess, in our

14 proof of claims. And I think -- I think that's it at

15 this stage.

16 Q. (BY MS. HOOD) Have you filed any

17 post-judgment discovery in the underlying lawsuit in

18 the 152nd?

19 A. I don't -- I don't -- I'm not aware of that.

20 Q. Have you hired a lawyer to pursue

21 post-judgment discovery or collection of this

22 judgment?

23 A. The only lawyer I've hired is Mr. Ballases.

24 Q. And you're certainly not aware of Mr. Ballases

25 doing anything to try to collect this judgment outside

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1 of the bankruptcy action; correct?

2 MR. BALLASES: Objection. Form.

3 Q. (BY MS. HOOD) You can answer.

4 A. I'm not aware.

5 Q. As an attorney in the state of Texas,
6 certainly you're aware of the fact that, as a judgment
7 creditor, you have the right to pursue post-judgment
8 collection efforts within the confines of the Court
9 that issued the judgment; correct?

10 A. Sure.

11 Q. And you've chosen not to avail yourselves of
12 those opportunities; correct?

13 MR. BALLASES: I'm going to go ahead and
14 object to the question as misleading, also oppressive
15 and harassing, and assert attorney-client, attorney
16 work product, and joint litigation privilege.

17 What we do for collection, you do not get to
18 ask about to aid Mr. Choudhri and Jetall and his
19 companies to hide assets any further. So we're not
20 going to answer that.

21 MS. HOOD: All right. I object to any
22 commentary about me helping anybody do anything. All
23 right? I'm here representing a creditor, and I'm
24 trying to determine the basis for the filing of this
25 proof of claim. And part of that issue is any attempt

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1 by the judgment creditor to collect the judgment
2 outside of filing a proof of claim in a bankruptcy
3 action, that has nothing to do with the underlying
4 judgment.

5 Q. (BY MS. HOOD) Mr. Khawaja, do you personally
6 know of any action taken in the public forum by you to
7 collect this judgment outside of this bankruptcy
8 action?

9 A. I'm not aware of any.

10 MR. BALLASES: I'm further going to instruct
11 you: Don't answer any more questions regarding what
12 we've done to collect because that gets into attorney
13 work product, also attorney-client, and joint
14 litigation privilege.

15 THE WITNESS: I understand.

16 MS. HOOD: And certainly, Mr. Ballases, I
17 appreciate the nuances and everything else. And
18 again, I don't want to know anything about your
19 strategy or anything else. That's why I asked for
20 public record, because I can't find anything in the
21 public record that shows any attempt to try to collect
22 this judgment. And so I'm just trying to clarify and
23 get commentary and testimony from your client
24 confirming that.

25 MR. BALLASES: I appreciate that, but we don't

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1 need to get into anything that could aid your client
2 or the principal who owns your client to hide assets
3 any further.

4 MS. HOOD: I'm going to object to the sidebar
5 commentary there.

6 Q. (BY MS. HOOD) The judgment that you bought,
7 the judgment debtor is Jetall Companies, Inc.;
8 correct?

9 A. Correct.

10 Q. Certainly that judgment does not include my
11 client as a judgment debtor; correct?

12 A. Yeah, it's not -- does not include? Correct.

13 Q. It certainly doesn't include Mrs. Choudhri as
14 a judgment debtor; correct?

15 A. It does not include them as a judgment debtor,
16 correct.

17 Q. It doesn't include Texas REIT as a judgment
18 debtor either; right?

19 A. Correct.

20 Q. On Judgment Number 2, I think you testified
21 that you don't own any part of that judgment; correct?

22 A. Judgment Number 2, I believe I do own part of
23 it.

24 Q. The Abdullatif judgment?

25 A. Okay. No, I do not. Sorry.

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1 Q. Okay. Are you aware of the fact that that
2 judgment has been bonded around?

3 A. I'm not aware of --

4 MR. BALLASES: Objection. Form.

5 A. I'm not aware of that.

6 Q. (BY MS. HOOD) And when you filed the proof of
7 claim that included Judgment Number 2, did you do any
8 due diligence on that judgment in order to satisfy
9 yourself that that judgment was not bonded around?

10 MR. BALLASES: Objection. Form.

11 A. I -- minimally, not -- minimally.

12 Q. (BY MS. HOOD) What do you mean "minimally"?

13 A. Meaning it was a final judgment, and that's
14 how I -- that was what I understood it to be.

15 Q. Certainly as a lawyer in the state of Texas,
16 you understand that when a judgment is superceded,
17 that that stays any collection activities; correct?

18 MR. BALLASES: I'm going to object to the
19 question as misleading and harassing and oppressive.

20 Q. (BY MS. HOOD) You can answer --

21 A. I'm not aware of that --

22 Q. You're not aware of that?

23 A. I'm not aware of that being -- I'm not aware
24 of the judgment being superceded.

25 Q. And did you take any independent actions to

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1 determine whether or not this judgment, which is on
2 appeal, had been superceded?

3 A. No.

4 Q. Judgment Number 3, this HSLLP judgment.

5 A. Yes.

6 Q. All right. That judgment, when did you
7 purchase that judgment?

8 A. I think 2023, if I recall correctly.

9 Q. And how did you become aware that that
10 judgment was available to purchase?

11 MR. BALLASES: Objection. Form. Harassing
12 and oppressive. I'm also going to assert
13 attorney-client, attorney work product, and joint
14 litigation privilege and instruct the client not to
15 answer.

16 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
17 adhere to your client's -- excuse me -- to your
18 lawyer's instructions?

19 A. I am.

20 Q. And if I understand your testimony, you are
21 one of three owners also of this judgment; is that
22 correct?

23 MR. BALLASES: Objection. Form.

24 A. That's correct.

25 Q. (BY MS. HOOD) And can you tell me how you

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1 paid for the purchase of this judgment?

2 MR. BALLASES: I'm going to object to the
3 question again as harassing and oppressive, assert the
4 attorney-client legal privilege, the work product
5 legal privilege, and the joint litigation legal
6 privilege and instruct the client not to answer.

7 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
8 adhere to your lawyer's instruction?

9 A. Yes.

10 Q. Mr. Khawaja, can you tell me whether you paid
11 for -- excuse me. Strike that.

12 Can you tell me who you paid when you
13 purchased this assignment of this judgment?

14 MR. BALLASES: I'm going to assert the same
15 objection I just levied to the prior question as well
16 as the same assertion of legal privileges to the prior
17 question and instruct the client not to answer, just
18 like the prior question.

19 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
20 adhere to your lawyer's instruction and not answer my
21 question as to who you paid for the purchase of this
22 judgment?

23 A. I am.

24 Q. I see that this judgment -- the judgment
25 creditor is Hoover Slovacek; correct?

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1 A. That appears correct.

2 Q. And that's the same law firm that is

3 representing you here today; correct?

4 A. That's correct.

5 MR. BALLASES: Objection. Form.

6 Q. (BY MS. HOOD) Do you have any joint defense

7 agreements with Hoover Slovacek?

8 MR. BALLASES: Objection. Form. I think --

9 well, objection. Form.

10 A. I'm not aware.

11 Q. (BY MS. HOOD) Do you have any prosecution

12 agreements with Hoover Slovacek?

13 MR. BALLASES: Objection. Form.

14 A. I'm not aware of any.

15 Q. (BY MS. HOOD) At the time that you purchased

16 this judgment, were you represented by Hoover

17 Slovacek?

18 MR. BALLASES: Objection. Form.

19 A. At the time I purchased the judgment, I was

20 represented by nobody.

21 Q. (BY MS. HOOD) So you were representing

22 yourself?

23 A. Correct.

24 Q. Who drafted the assignments?

25 MR. BALLASES: Objection. Form.

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1 A. I think that's a privileged answer.

2 MR. BALLASES: Also assert the same legal
3 privileges we asserted in the previous questions,
4 which would be attorney-client, attorney work product,
5 and joint litigation and instruct the client not to
6 answer.

7 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
8 adhere to your lawyer's instructions and not answer my
9 question?

10 A. Yes.

11 Q. When you purchased the assignment of this
12 judgment and the other two also purchased their
13 portion of the judgment, was it all done at one time?

14 MR. BALLASES: Objection. Form.

15 I'm also going to assert the same legal
16 privileges and instruct the client not to answer, as I
17 did with the previous question.

18 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
19 adhere to your client's instruction and not answer my
20 question as to the timing of the purchase of the
21 assignment by the three of you?

22 A. Yes.

23 Q. Did you purchase the assignment of this
24 judgment from Mr. Abdullatif?

25 MR. BALLASES: Objection. Form. Same

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1 objections, same assertions of legal privilege, same
2 instruction not to answer based on those legal
3 privileges as the question before.

4 Q. (BY MS. HOOD) Are you going to follow your
5 lawyer's instruction and not answer my question as to
6 who you purchased the assignment from?

7 A. Yes.

8 Q. When you purchased the assignment and you were
9 representing yourself, what lawyers did you deal with
10 for the other purchasers?

11 MR. BALLASES: Objection. Form. I'm also
12 going to assert the same attorney work product and
13 attorney -- joint litigation legal privilege and
14 instruct the client not to answer.

15 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
16 adhere to your lawyer's instructions and not answer my
17 questions?

18 A. Yes.

19 Q. Okay. When you purchased your assignment, was
20 Mr. Abdullatif represented by counsel?

21 MR. BALLASES: Objection. Form.

22 Asserting the same legal privileges as the
23 previous question and instructing client not to answer
24 as I did with the previous question.

25 Q. (BY MS. HOOD) Mr. Khawaja, are you going to

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1 adhere to your client's instruction -- or to your
2 lawyer's instruction and not answer my question as to
3 whether or not Mr. Abdullatif had a lawyer at the time
4 of the purchase?

5 A. Yes.

6 Q. At the time you purchased your assignment of
7 this judgment, was Mr. Quinlan represented by counsel?

8 MR. BALLASES: Objection. Form.

9 I'm also going to assert the same legal
10 privileges as I did before and instruct the client not
11 to answer.

12 Q. (BY MS. HOOD) Mr. Khawaja, are you adhering
13 to your counsel's instructions and not answering my
14 question as to whether or not Mr. Quinlan was
15 represented by counsel at the time of the assignment
16 of the judgment?

17 A. Yes.

18 Q. Does your assignment include just your
19 signature, or is it an assignment that includes the
20 other purchasers' signatures?

21 MR. BALLASES: I'm going to object to the
22 question -- object to the form of the question.
23 Excuse me.

24 A. I don't -- I don't recall.

25 Q. (BY MS. HOOD) Do you have a physical copy, or

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1 do you have the original of this assignment?

2 A. I believe I do somewhere, not with me today.

3 I'm sure it was provided to me.

4 Q. The copy or the original?

5 A. The copy.

6 Q. Do you know who holds the original of the

7 assignment?

8 A. I don't.

9 Q. Because you don't know who holds the original
10 of the assignment, you can't tell us whether or not
11 the assignment has been paid; correct?

12 MR. BALLASES: Objection. Form.

13 I'm going to assert the attorney-client and
14 attorney work product and attorney joint -- or excuse
15 me -- joint litigation privilege and instruct the
16 client not to answer.

17 A. I'm going to follow advice of counsel.

18 Q. (BY MS. HOOD) And as you sit here today, you
19 can't tell us who holds the original of this
20 assignment.

21 A. I can't.

22 MR. BALLASES: Objection. Form.

23 Q. (BY MS. HOOD) You can't?

24 A. I cannot.

25 MR. BALLASES: Objection. Form.

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1 Q. (BY MS. HOOD) Can you tell me why you didn't
2 include a copy of the assignment with your proof of
3 claim?

4 MR. BALLASES: Objection. Form.

5 Just -- and I'm -- and I apologize because I
6 know I'm not supposed to talk right now, but it's
7 attached to the actual complaint in the Southern
8 District, so you can pull it up. It's public record.

9 MR. CHOUDHRI: Mr. Ballases, please stop
10 coaching the witness.

11 MR. BALLASES: Be quiet.

12 MR. CHOUDHRI: I'm sorry. Mr. Khawaja, did
13 you say something?

14 MS. HOOD: Okay --

15 MR. BALLASES: No, I told you to be quiet.
16 This is Mr. Ballases.

17 MS. HOOD: Okay. This is my time. Okay? You
18 guys can bicker and do your little boy thing when I'm
19 not talking.

20 Q. (BY MS. HOOD) So if I understand correctly,
21 this adversary action, which is based upon two
22 judgments that you claim to have an assignment in, was
23 originally filed in the Southern District of Texas; is
24 that correct?

25 A. That's correct.

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1 Q. And then you took that adversary and used it
2 as -- as an exhibit to your proof of claim that you
3 then filed in this action; correct?

4 A. That's correct.

5 Q. And if I understand your testimony, along with
6 this adversary action, you filed lis pendens against
7 the debtor's property in this action; correct?

8 A. That's correct.

9 Q. And if I remember the lis pendens, you did not
10 sign that lis pendens; correct?

11 A. Correct.

12 Q. Did Mr. Abdullatif have your permission to
13 sign that lis pendens that was filed against the
14 debtor's property in this action?

15 A. Yes.

16 Q. And when did you give him permission to file
17 that lis pendens?

18 A. I'm not sure. I'm assuming sometime before it
19 was filed.

20 Q. Was it done prior to the time that you brought
21 the adversary action in the Southern District of
22 Texas?

23 A. I don't know.

24 MS. HOOD: Steve, my trustee paralegal, can
25 you bring up the first lis pendens, the supplemental

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1 lis pendens, which I think is Exhibit -- yeah --
2 Exhibit 2, yeah. Can you go down to the signature
3 page?

4 MR. SATHER: Yes.

5 Q. (BY MS. HOOD) All right. So Exhibit 2 is the
6 supplemental lis pendens that you authorized
7 Mr. Abdullatif to file against the debtor's property
8 in this action; correct?

9 A. That's correct.

10 Q. All right. And the date of that says
11 August 22nd, 2023. Do you agree with me?

12 A. Yes.

13 Q. Okay. And would it be fair to say that you
14 gave Mr. Abdullatif your authority to sign on your
15 behalf somewhere around August 22nd, 2023?

16 A. It could've been before that, but it sounds
17 correct.

18 Q. Did you have a conversation with
19 Mr. Abdullatif about the filing of the lis pendens?

20 MR. BALLASES: I'm going to object to the
21 question. I'm also going to assert the
22 attorney-client, attorney work product, and joint
23 litigation privilege and instruct the client not to
24 answer.

25 A. On advice of counsel, I'm not answering any

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1 questions regarding my conversations with
2 Mr. Abdullatif or Mr. Quinlan.

3 Q. (BY MS. HOOD) Did you prov -- the authority
4 that you provided to Mr. Abdullatif for you -- for him
5 to sign on your behalf this lis pendens, was that
6 given verbally or in writing?

7 MR. BALLASES: Objection. Form.

8 Same assertion of legal privilege, same
9 instruction not to answer.

10 Q. (BY MS. HOOD) Mr. Khawaja, are you going to
11 adhere to your client's (sic) instructions and not
12 answer my question about how you gave permission to
13 Mr. Abdullatif --

14 A. Yes, I am.

15 MS. HOOD: Steve, can you bring up the --
16 Exhibit Number 3?

17 Q. (BY MS. HOOD) Exhibit Number 3 is the second
18 supplemental lis pendens that was filed also on the
19 debtor's property, and it looks to me that that also
20 is dated August 22nd, 2023. Is that accurate?

21 A. That looks accurate.

22 Q. All right. And is it fair to say that you
23 again gave Mr. Abdullatif permission or authorized him
24 to sign on your behalf somewhere around August 22nd of
25 2023?

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1 A. Or prior to that, yes.

2 Q. Certainly you didn't give him permission to
3 file it before you actually were an owner in the
4 judgment; correct?

5 A. That's correct.

6 Q. And again, just to summarize your testimony,
7 you think you recall purchasing your assignment in
8 this judgment sometime in 2023; correct?

9 A. That's correct.

10 Q. So we've got somewhere between January and
11 August 22nd that you purchased your interest in this
12 judgment; correct?

13 A. That sounds right.

14 MR. BALLASES: Ms. Hood, I don't mean to
15 derail your testimony, but if you look at the
16 complaint itself, it says when he obtained the
17 assignment. It's February 17th, 2023. You can read
18 it for yourself. It's Exhibit 1.

19 MS. HOOD: So I appreciate that, Mr. Ballases.
20 I'm trying to get your client's testimony on these
21 issues, not what's in a document that you wrote. I
22 want his testimony, but I appreciate it. He said he
23 couldn't recall, and that's fine with me.

24 Q. (BY MS. HOOD) On this judgment that you
25 purchased from Hoover Slovacek, prior -- prior --

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1 sorry; my mouth is not working -- prior to your

2 purchase of the assignment, did you review the

3 underlying pleadings related to the lawsuit?

4 A. Not really.

5 Q. Can you be more specific than "not really"?

6 Is that you didn't look at them at all, or you kind of

7 looked at them?

8 A. I may have briefly skimmed through them.

9 Q. And by skimming through them, were you aware

10 that there were no causes of action for fraudulent

11 transfer, et cetera, against Jetall?

12 A. No, I wasn't, but I'll take your word for it

13 that there were not.

14 Q. And would you agree with me that the judgment

15 debtor in Judgment Number 3 is Jetall Companies, Inc.?

16 A. Yes.

17 Q. And the judgment debtor is not Arabella PH

18 3201; correct?

19 A. No, they're an alter ego of Jetall Companies.

20 MS. HOOD: Objection. Non-responsive.

21 Q. (BY MS. HOOD) Arabella PH 3201 is not a

22 judgment debtor; correct?

23 MR. BALLASES: Objection. Form.

24 A. That's correct.

25 Q. (BY MS. HOOD) 9201 Memorial Drive is not a

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1 judgment creditor; correct?

2 A. Correct.

3 MR. BALLASES: Objection. Form.

4 Q. (BY MS. HOOD) 2727 Kirby 26L, LLC, is not a

5 judgment debtor; correct?

6 MR. BALLASES: Objection. Form.

7 A. Correct.

8 Q. (BY MS. HOOD) Texas REIT, LLC, is not a

9 judgment debtor; correct?

10 A. Correct.

11 MR. BALLASES: Objection. Form.

12 Q. (BY MS. HOOD) Dalio Holdings I is not a

13 judgment debtor; correct?

14 A. Correct.

15 MR. BALLASES: Objection. Form.

16 Q. (BY MS. HOOD) Dalio Holdings II is not a

17 judgment debtor; correct?

18 A. Correct.

19 MR. BALLASES: Objection. Form.

20 Q. (BY MS. HOOD) Houston Real Estate Properties,

21 LLC, is not a judgment debtor; correct?

22 A. (Unintelligible)

23 MR. BALLASES: Objection. Form.

24 THE REPORTER: Sorry. Was that "correct"?

25 Q. (BY MS. HOOD) What was your -- yeah, I didn't

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1 hear your --

2 A. That's correct.

3 Q. -- answer either. Yeah.

4 A. Correct. Correct.

5 MR. BALLASES: And I object to the form.

6 Q. (BY MS. HOOD) Shahnaz Choudhri is not a

7 judgment debtor; correct?

8 A. Correct.

9 MR. BALLASES: Objection. Form.

10 Q. (BY MS. HOOD) Ali Choudhri is not a judgment

11 debtor; correct?

12 A. Correct.

13 MR. BALLASES: Objection. Form.

14 Q. (BY MS. HOOD) Shepherd-Huldy Development I is

15 not a judgment debtor; correct?

16 A. Correct.

17 MR. BALLASES: Objection. Form.

18 Q. (BY MS. HOOD) Shepherd-Huldy Development II

19 is not a judgment debtor; correct?

20 A. Correct.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MS. HOOD) Galleria Loop Note Holder, LLC,

23 is not a judgment debtor; correct?

24 A. Correct.

25 MR. BALLASES: Objection. Form.

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1 Q. (BY MS. HOOD) What due diligence did you do,
2 if any, before you alleged in this adversary action,
3 which forms the basis of your proof of claim, that my
4 client, Dalio Holdings, LLC, is the alter ego of
5 Houston Real Estate Properties?

6 A. What due diligence did I do personally?

7 Q. Yeah.

8 A. I mean, I think it's stated pretty clearly in
9 the petition what evidence we have. There's a whole
10 court history of fraudulent transfers, commingling of
11 assets; you know, fraudulent, unethical conduct that
12 we have available as public record as to Mr. Choudhri
13 and, by extension, your client's conduct. And that's
14 the due diligence I did to make these claims.

15 Q. Okay. So you based your due diligence off
16 your allegation that this is all public record.

17 A. That's correct.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MS. HOOD) What public records did you
20 look at?

21 A. Well, if you -- everything that's stated in
22 the petition. If you look at Lawsuit 2013-41273,
23 Harris County District Court, he was found to have
24 committed fraud, filed a fraudulent lien, and there
25 was no promissory note, and that was an entity that he

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1 controlled, HREP. If you look at -- on February 16th,
2 2017, in Case Number 2017-1 --

3 Q. Let's go -- let's go back to the first one.

4 You --

5 MR. BALLASES: I'm going to --

6 Q. (BY MS. HOOD) -- said that there was a --

7 THE REPORTER: I'm sorry.

8 Q. (BY MS. HOOD) You claim to have a finding --

9 (Crosstalk)

10 Q. (BY MS. HOOD) You claim there's a finding of
11 fraud --

12 MR. BALLASES: Ms. Hood --

13 THE REPORTER: Sorry --

14 MR. BALLASES: -- can you let my client answer
15 the question, please?

16 MS. HOOD: I -- it's my question-and-answer,
17 and if I want to cut him off, I can.

18 MR. BALLASES: Okay. So you want to --

19 MS. HOOD: I want to -- I want to drill down
20 on the first one. Well, he's referencing a pleading
21 that I'm assuming that you wrote, so I just want to
22 find out what he knows personally about some of this
23 stuff.

24 MR. BALLASES: Objection (unintelligible).

25 Q. (BY MS. HOOD) So you reference a lawsuit --

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1 hang on. Let me find it.

2 Is that the lawsuit involving HREP?

3 A. Yes.

4 Q. Okay. And were you involved in that lawsuit?

5 A. I was not.

6 Q. So everything you know about that lawsuit, you

7 read as a matter of public record.

8 A. That's correct.

9 Q. Was there a finding of fraudulent transfers in
10 that case?

11 MR. BALLASES: Objection. Form.

12 A. Other fraud, but I don't know if fraudulent
13 transfer was part of that.

14 Q. (BY MS. HOOD) I didn't see it.

15 MR. BALLASES: Objection. Sidebar.

16 Q. (BY MS. HOOD) All right. That's the first
17 lawsuit that you said you looked at for public record
18 in order to determine that my client is somehow the
19 alter ego of all these other things; correct?

20 A. That's correct.

21 Q. Okay. What other -- what other public records
22 did you review?

23 A. There's also these videos by a guy named Wayne
24 Dolcefino I saw.

25 Q. So you looked at videos.

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1 A. Yes.

2 Q. Anything else you reviewed?

3 A. I think just generally people in the community

4 know that your client commits fraud. He's known as a

5 fraudster.

6 Q. Who are these --

7 A. So many people have approached me.

8 Q. Okay. Who are these people?

9 A. Yeah, I can't -- many people that he's

10 defrauded over the years.

11 Q. Name one.

12 A. Well, Judge Norman is one. I don't know if

13 you know him. He's in the Southern District.

14 Q. Okay. Who else?

15 A. Let's see. Who else in the community have

16 called him a fraudster?

17 Judge Landrum, Judge Michael Landrum in the

18 Harris County District Court, 164th District Court.

19 He considers your client a fraud.

20 Q. And is that in relation to the HREP case?

21 A. I just think generally.

22 Q. Okay. So Judge Landrum has spoken to you

23 about Mr. Choudhri being a fraudster?

24 A. It's in a final judgment. I can read that for

25 you if you'd like.

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1 Q. No, I'm asking --

2 A. Do you want me to read it to you?

3 Q. No, no, no. I'm asking you. You said people

4 have told you; many people have told you. So I'm

5 asking who --

6 A. Yes.

7 Q. -- who's had a conversation with you about

8 Mr. Choudhri being a fraudster? And you've said Judge

9 Norman, and I'm assuming you didn't --

10 A. Yes.

11 Q. -- talk personally with Judge Norman. That's

12 out of an opinion; right?

13 A. Yes.

14 Q. Okay. The same as --

15 A. Members of the community --

16 Q. Okay. So who --

17 A. I'm sorry --

18 THE REPORTER: Sorry. One at a time, please.

19 Thank you.

20 Q. (BY MS. HOOD) What community?

21 MR. BALLASES: Objection. Form.

22 A. The real estate community, the Pakistani

23 community, basically anyone Mr. Choudhri has come in

24 contact with and done business with, people from those

25 communities.

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1 Q. (BY MS. HOOD) Okay. So we've got the real
2 estate community. We've got the Pakistani community.

3 A. His family members. His own family members
4 have said the same.

5 Q. Family members.

6 All right. So who in the real estate
7 community have you had a specific conversation with
8 that have informed you that he's -- that he -- that my
9 client fraudulently -- my client, Dalio, is -- has
10 been the recipient or the instigator of fraudulent
11 transfers such that they're the alter ego of
12 Mr. Choudhri?

13 A. Harold Polk.

14 Q. Who?

15 A. So just a -- Harold Polk.

16 Q. And who is Mr. Polk?

17 A. Somebody that your client knows that he ripped
18 off, I guess.

19 Q. Well, how do you know him?

20 A. He came to me and told me that your client
21 ripped him off.

22 Q. Okay. He came to you just out of the blue?

23 A. Yeah. I mean, you know, I don't know why he
24 came to me, but yeah, he did.

25 Q. When did you have this --

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1 A. He probably saw the --

2 Q. When did you have this conversation with

3 Mr. Polk?

4 A. Years ago.

5 MR. BALLASES: Objection. Form.

6 A. I can't remember.

7 Q. (BY MS. HOOD) Years ago? Okay.

8 A. Yes.

9 Q. Okay. Who else?

10 MR. BALLASES: Objection. Form.

11 A. I don't -- I can't recall. I mean, a lot of

12 people. A lot of people.

13 MR. BALLASES: I'm going to object to the

14 question as exceeding the scope of the judge's

15 limiting order.

16 Can we please just stick to the basis for the

17 proof of claim and why we are willing to withdraw it?

18 MS. HOOD: Objection. Sidebar.

19 I've asked him, what due diligence did he do

20 in order to craft together the adversary proceeding,

21 which was attached to the proof of claim as evidence

22 supporting his proof of claim. And I've got, so far,

23 two public lawsuits and some people in the community

24 that have spoken to him, one of whose name is Harold

25 Polk. And he can't remember anybody else's name

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1 because there's just so many over so many years.

2 Q. (BY MS. HOOD) Is that correct?

3 MR. BALLASES: No, he's identified several
4 people.

5 I'm going to object to sidebar.

6 If you want to engage in discovery in the
7 Southern District, we can do that, but right now we're
8 just trying to understand why we filed the proof of
9 claim and why we're willing to withdraw it.

10 MS. HOOD: Yeah, I understand.

11 And I object to your sidebar.

12 Q. (BY MS. HOOD) Mr. Khawaja, certainly your
13 lawyer and Mr. Abdullatif had your permission to file
14 this proof of claim; correct?

15 MR. BALLASES: Objection. Form.

16 A. Yes.

17 Q. (BY MS. HOOD) And you understand the proof of
18 claim was filed under penalty of perjury.

19 A. Yes.

20 MR. BALLASES: Objection. Form.

21 Q. (BY MS. HOOD) And you understand that the
22 amount in the proof of claim is based upon these three
23 judgments; correct?

24 A. Yes.

25 Q. And we've run through the three judgments, and

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1 one of which you don't even have an interest in;

2 correct?

3 A. Yes, that's correct.

4 Q. And you don't know anything about the

5 substance of that judgment; correct?

6 A. That's (unintelligible).

7 MR. BALLASES: Objection. Form.

8 MS. HOOD: Excuse me. What was the answer?

9 A. That was correct.

10 Q. (BY MS. HOOD) Do you own an assigned interest

11 in any other judgment related to any of these entities

12 that you claim are alter egos of Mr. Choudhri?

13 A. I don't think so.

14 MR. BALLASES: I object to the form of the

15 question.

16 Q. (BY MS. HOOD) Is it your habit to -- strike

17 that.

18 If one of these judgments became available to

19 purchase, would you buy it?

20 MR. BALLASES: Objection. Form.

21 A. I don't know. I don't know how much money

22 your client has. It just depends. Collectibility

23 matters, so...

24 Q. (BY MS. HOOD) Collectibility matters?

25 A. Yes.

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1 Q. Did collectibility matter to you when you
2 purchased the assignment of the judgments that form
3 the basis of your proof of claim?

4 A. Yes.

5 MR. BALLASES: Objection. Form.

6 Q. (BY MS. HOOD) Did you do any due diligence
7 prior to filing your proof of claim in this lawsuit as
8 to the debtor's ability to pay these judgments?

9 A. Yes.

10 MR. BALLASES: Objection. Form.

11 Q. (BY MS. HOOD) What due diligence did you do?

12 A. Reviewed public documents, spoke to people,
13 watched videos of Wayne Dolcefino online.

14 Q. Okay. So the public documents that you
15 reviewed prior to filing your proof of claim in this
16 lawsuit --

17 A. Yes.

18 Q. -- that -- let me finish -- that supported
19 your proof of claim regarding collectibility were
20 public records and the --

21 A. Yes.

22 Q. -- Dolcefino videos.

23 A. That's correct.

24 MR. BALLASES: Objection. Form.

25 Q. (BY MS. HOOD) When did you learn that your

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1 proof of claim was uncollectible?

2 MR. BALLASES: Objection. Form.

3 A. I think the Texas REIT judge in that case said
4 that there wasn't enough money in the Texas REIT
5 matter to pay us.

6 Q. (BY MS. HOOD) When you filed your proof of
7 claim, how much money was in Texas REIT?

8 MR. BALLASES: Objection. Form.

9 A. I'm not sure. No idea.

10 Q. (BY MS. HOOD) If I understand correctly,
11 bankrupt debtors have to file documents that outline
12 their assets; correct?

13 A. Yes.

14 MR. BALLASES: Objection. Form.

15 Q. (BY MS. HOOD) Did you look at any of those
16 filings by the debtor?

17 A. I believe I did, but a lot of what your client
18 files is fraudulent, so -- or the debtor in this case.
19 So it's hard to trust those documents.

20 MS. HOOD: Objection. Non-responsive.

21 Q. (BY MS. HOOD) Did you look at any of the
22 documents filed by the debtor, the accounting
23 documents, prior to filing your proof of claim?

24 MR. BALLASES: Objection. Form.

25 A. Yes.

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1 Q. (BY MS. HOOD) Which documents did you look
2 at?

3 A. I'm sure I reviewed the schedules. I don't --
4 I can't recall specifically what I looked at.

5 MR. BALLASES: I'm going to go ahead on this
6 line of questioning and instruct him not to answer
7 because it gets into attorney work product.

8 MS. HOOD: I'm just asking what he looked at.
9 I don't want to know what you looked at or what you
10 talked to him about.

11 MR. BALLASES: I understand.

12 MR. CHOUDHRI: I'm gonna object.

13 Mr. Ballases, you continue to coach the
14 witness, so I'm gonna object. Please stop coaching
15 the witness.

16 MR. BALLASES: What's your legal basis, sir,
17 for your objection?

18 MR. CHOUDHRI: Mr. Ballases, because you're
19 making sidebar, coaching the witness. Keep your
20 objections limited. Don't coach the witness. You've
21 been doing it throughout the whole depo, and you're
22 also objecting on a frivolous basis. But regardless,
23 please stop coaching the witness.

24 MR. BALLASES: Okay. So what's your formal
25 objection for the record?

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1 MR. CHOUDHRI: For the record, you're
2 improperly coaching the witness. Refrain your
3 objections --

4 MR. BALLASES: Okay.

5 MR. CHOUDHRI: -- to just objections.

6 MR. BALLASES: I want to make sure. Okay. I
7 just want to make sure your formal objection was on
8 the record.

9 THE WITNESS: He's just buying time for his
10 lawyer to make up questions.

11 MS. HOOD: What? Mr. --

12 MR. CHOUDHRI: Mr. Khawaja, what did you say?

13 MS. HOOD: Yeah. Excuse me, Mr. Choudhri.
14 This is my time.

15 Q. (BY MS. HOOD) First of all, there's no
16 requirement that I pepper you incessantly directly.
17 I'm going through my notes. I don't need time to come
18 up with questions for you.

19 I'd actually like it if you would answer my
20 questions, but you've chosen not to do that. So I'm
21 going through my notes to see if I can actually ask
22 some questions that you would be kind enough to answer
23 relating to your proof of claim and why you filed it.
24 So when you --

25 MR. BALLASES: (Unintelligible) and what

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1 you're doing, okay, or your sidebar. And we are
2 answering questions. I'm sorry you don't like them.

3 MS. HOOD: You're not answering them. You're
4 objecting.

5 Q. (BY MS. HOOD) At the time that you filed your
6 proof of claim, you had satisfied yourself that you'd
7 be able to collect your judgments through this debtor.

8 A. Yes.

9 MR. BALLASES: Objection. Form.

10 Q. (BY MS. HOOD) Do you understand that in order
11 to collect your judgments through this debtor, you
12 would have to win on your adversary claim regarding
13 the alter egos?

14 A. Yes.

15 Q. And if I read your adversary complaint, it's
16 your assertion that Mr. Choudhri keeps his entities
17 devoid of assets in order to keep creditors from
18 collecting their judgments. Is that a fair statement?

19 A. I mean, I think that's one of many tactics
20 that he uses, but yes.

21 Q. And certainly you have these judgments at your
22 ready; correct?

23 MR. BALLASES: Objection. Form.

24 A. Yeah. I'm sorry. I didn't -- I didn't quite
25 understand the question.

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1 Q. (BY MS. HOOD) Yeah, bad question.
2 You have these judgments that you own that you
3 could go out and try to collect absent filing
4 documents in Bankruptcy Court; correct?

5 A. I guess.

6 Q. And you've not chosen to pursue any
7 post-judgment collection of these judgments in Texas
8 State Court; correct?

9 MR. BALLASES: Objection. Form.

10 I'm going to instruct the client not to
11 answer.

12 You're invading attorney-client, work
13 privilege -- attorney-client, and you're also getting
14 into joint litigation privilege. We're not going to
15 help Mr. Choudhri hide more assets.

16 A. On advice of counsel, I will not answer that
17 question.

18 Q. (BY MS. HOOD) It's not -- okay. The question
19 is this. Okay? Based upon public records, I find no
20 activity by you to collect these judgments in Texas
21 State Courts; is that an accurate statement?

22 A. Yes.

23 MR. BALLASES: I object to the form.

24 Q. (BY MS. HOOD) And rather than pursue
25 opportunities in State Court, you and your co-owners

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1 have chosen to pursue unrelated third parties in

2 Bankruptcy Court; correct?

3 MR. BALLASES: Objection. Form.

4 A. No, that's not correct. "Unrelated"? What do

5 you mean "unrelated"? What is that supposed to mean?

6 Q. (BY MS. HOOD) Texas (sic) Real Estate

7 Properties, LLC, is not a judgment debtor; correct?

8 You've already admitted this.

9 A. Does that mean -- you said "unrelated."

10 That's not -- they're very related.

11 Q. In your mind, but they don't -- they're not a

12 party to the judgment; correct?

13 MR. BALLASES: Objection. Sidebar.

14 A. In reality and on public record.

15 Q. (BY MS. HOOD) The debtor in this case is not

16 a judgment debtor; correct?

17 A. Asked and answered.

18 Q. Okay. Now you're objecting to your own

19 questions? Are you a lawyer or a witness?

20 A. I am a lawyer, but I mean --

21 Q. Okay. Answer my question.

22 A. -- just answering --

23 Q. Answer my question.

24 A. No, I'm not gonna answer that question.

25 Q. This debtor is not a judgment debtor to you;

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1 correct?

2 THE WITNESS: Do you want me to answer?

3 MR. BALLASES: Objection. Form.

4 You can answer.

5 A. No.

6 Q. (BY MS. HOOD) And yet you chose to pursue

7 this debtor to try to collect your judgments that are

8 in the name of others; correct?

9 A. This -- yes. This debtor is an alter ego of
10 all the other debtor -- all the other defendants in
11 this case.

12 Q. Tell me where there's a finding by a court of
13 law that this debtor is the alter ego of one of the
14 two entities in which you hold an assigned interest.

15 A. We will prove it in this case.

16 Q. Okay. That's not my question. Tell me where
17 I can find as a matter of law that Ali Choudhri and
18 Houston Real Estate Properties, LLC, are one and the
19 same.

20 MR. BALLASES: Objection. Form.

21 A. We don't have that.

22 Q. (BY MS. HOOD) Tell me where I can find as a
23 matter of public record that Jetall is one and the
24 same with this debtor.

25 MR. BALLASES: Objection --

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1 A. Based on his testimony in multiple cases.

2 MR. BALLASES: Objection. Form.

3 Q. (BY MS. HOOD) Tell me where I can find as a
4 matter of public record a finding by a trier of fact
5 that Jetall Companies is one and the same as this
6 debtor.

7 MR. BALLASES: Objection. Form.

8 A. I don't -- I'm not sure if we'll find that.

9 Q. (BY MS. HOOD) There isn't one, is there?

10 MR. BALLASES: Objection. Form.

11 A. We have multiple public record documents
12 indicating that Ali Choudhri is one and the same as
13 all of his entities.

14 Q. (BY MS. HOOD) And there's not a finding by a
15 trier of fact that this debtor is one and the same
16 with Jetall Companies, is there?

17 A. Only admissions by your client. That's it.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MS. HOOD) There's no finding by a trier
20 of fact that this debtor is one and the same as Jetall
21 Companies; correct?

22 MR. BALLASES: Objection. Form.

23 (Phone ringing.)

24 A. (Unintelligible)

25 THE REPORTER: I'm sorry. I'm sorry. I

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1 did -- sorry. I did not hear your answer. Could you
2 please restate your answer?

3 A. I said -- I said, Correct, not by a trier of
4 fact, but by admissions through your client.

5 MS. HOOD: Objection. After "correct" --
6 objection. Non-responsive after "correct."

7 Mr. Khawaja, I fully expect to go back to the
8 Court and try to get him to compel you to answer some
9 of my questions that I think were improperly objected
10 to, and so I can go through that with your lawyer
11 through motion practice. I appreciate your time
12 today. Based upon whether or not the other lawyers
13 and Mr. Choudhri have questions, I may or may not get
14 another pass at you, and I appreciate your time.

15 THE WITNESS: Thank you.

16 MS. HOOD: I'm going to pass the witness to
17 the next creditor in line, and I reserve my right to
18 come back and ask questions -- follow-up questions if
19 I deem necessary.

20 THE REPORTER: Sorry. Just before we go to
21 Mr. Choudhri, would it be possible to just take two
22 minutes to go to the bathroom?

23 MS. HOOD: Oh, absolutely. You're in charge.
24 You're the one doing the hard work.

25 THE REPORTER: Thank you. Just two minutes.

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1 Thanks.

2 MR. CHOUDHRI: Absolutely, Cheryl. Take your
3 time.

4 THE REPORTER: Thank you.

5 (A recess was taken.)

6 BY MR. CHOUDHRI:

7 Q. Mr. Khawaja, good afternoon. How are you?

8 A. I'm good, man. Just -- let's get to your
9 questions. I don't -- we don't have time for
10 formalities. Thank you.

11 Q. Mr. Khawaja, you're not looking at -- first of
12 all, who is present with you in the room there?

13 MR. BALLASES: We've already answered that.

14 Objection. Form.

15 We're also having trouble hearing you, so you
16 might want to turn up your volume --

17 A. Yeah, you need to turn your speaker up.

18 Q. (BY MR. CHOUDHRI) Mr. Khawaja, can you hear
19 me now?

20 A. Better, but you still need to speak up a
21 little bit.

22 Q. So can you identify who's in the room there
23 with you, Mr. Khawaja?

24 MR. BALLASES: Objection. Form.

25 A. Mr. Quinlan is here; my attorney, Michael

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1 Ballases.

2 Q. Is Osama Abdullatif in the room with you?

3 A. He has --

4 MR. BALLASES: Objection. Form.

5 A. He's not in the room, like, at this minute.

6 Q. (BY MR. CHOUDHRI) But throughout this
7 deposition, you've had Osama Abdullatif and John
8 Quinlan sitting in the room with you, present;
9 correct?

10 A. Yes.

11 MR. BALLASES: Objection. Form.

12 We've already answered that and said that.

13 Quit wasting everybody's time.

14 MR. CHOUDHRI: Mr. Ballases, I would ask you
15 to please calm down and allow me to ask my questions.

16 MR. BALLASES: Objection. Sidebar.

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you had -- as
18 we started this deposition, you had said that I had
19 defrauded you?

20 A. Ali, I'm sorry. You're really going to have
21 to turn up your sound because I can't hear you and
22 neither can the people in the room.

23 MR. CHOUDHRI: Is everybody -- can everybody
24 hear me okay?

25 Cheryl, can you hear me?

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1 THE REPORTER: I can hear you.

2 MR. CHOUDHRI: Okay. Maybe it's only

3 Mr. Khawaja who can't hear me, then.

4 THE WITNESS: Osama, can you hear him?

5 MR. BALLASES: It's difficult to hear you.

6 MR. ABDULLATIF: No, I can't hear him without
7 hearing aid.

8 A. Mr. Quinlan can't hear you and neither can
9 Osama, and they need to hear you.

10 Q. (BY MR. CHOUDHRI) Well, the court reporter
11 can hear me. If they want me to come closer, they
12 can. I would actually object to them even being there
13 and handing you notes, but we'll try to --

14 MR. BALLASES: Objection. Sidebar.

15 MR. CHOUDHRI: -- get on with the deposition.

16 MR. BALLASES: (Unintelligible)

17 MR. CHOUDHRI: The court reporter could hear
18 me just fine.

19 THE WITNESS: Okay.

20 Q. (BY MR. CHOUDHRI) Mr. Khawaja, how do you
21 know John Quinlan?

22 MR. BALLASES: Objection. Form.

23 A. I'm not gonna answer that question.

24 Q. (BY MR. CHOUDHRI) You're not gonna answer the
25 question of how you know John Quinlan?

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1 A. I -- I met him in the real estate community.

2 Q. When did you meet Mr. Quinlan?

3 MR. BALLASES: Objection.

4 Ali, can you show yourself? If you're going
5 to be asking questions, you need to show yourself.

6 THE WITNESS: Yes.

7 MR. BALLASES: Thank you.

8 MR. CHOUDHRI: Okay. Can you all see me now?
9 Is that okay?

10 MR. BALLASES: Yes.

11 Q. (BY MR. CHOUDHRI) Okay. Mr. Khawaja, you
12 were present earlier during the deposition when you
13 were being asked questions. Did you happen to listen
14 to Judge Robinson's oral ruling?

15 MR. BALLASES: Objection. Form.

16 A. I don't know what that has to do with
17 anything.

18 Q. (BY MR. CHOUDHRI) The deposition that we're
19 here on, Mr. Khawaja, is --

20 A. Yes.

21 Q. -- subject to a court order. Do you
22 understand that?

23 MR. BALLASES: Objection. Form.

24 This has nothing to do with the proof of
25 claim. Move on.

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1 A. Please get to the proof of claim,
2 Mr. Choudhri.

3 Q. (BY MR. CHOUDHRI) Mr. Khawaja, this is my
4 deposition. I get to ask you questions, and you can
5 answer them. This is my opportunity.

6 MR. CHOUDHRI: And so, again, Court Reporter,
7 would you please repeat the question?

8 THE REPORTER: The question is (Reading:) The
9 deposition that we're here on, Mr. Khawaja, is subject
10 to a court order. Do you understand that?

11 A. I didn't -- I have not seen a court order.

12 Q. (BY MR. CHOUDHRI) Are you aware, earlier
13 today, that an oral ruling on an audio from the Court
14 was sent to your attorney, Michael Ballases?

15 A. It -- it may have been.

16 MR. BALLASES: Objection. Form.

17 Q. (BY MR. CHOUDHRI) And are you aware, whether
18 written or oral, we are here pursuant to a court
19 order? Are you aware of that?

20 MR. BALLASES: Objection. Form.

21 A. Might -- that might be the case.

22 Q. (BY MR. CHOUDHRI) But you're not aware that
23 we're here pursuant to a court order.

24 MR. BALLASES: Objection. Form.

25 A. It could possibly be the case.

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1 Q. (BY MR. CHOUDHRI) But you don't know?

2 A. I don't know.

3 Q. And I've asked you earlier as how you know

4 Mr. Quinlan, and your answer was you're not going to

5 answer that; is that correct?

6 MR. BALLASES: Objection. Form.

7 A. I think I told you after -- after that that I

8 met him in the real estate community.

9 Q. (BY MR. CHOUDHRI) And when did you meet him?

10 MR. BALLASES: Objection. Form.

11 Are you going to ask every question two or

12 three times? Ask good questions.

13 MR. CHOUDHRI: Mr. --

14 A. I can't remember.

15 MR. CHOUDHRI: Mr. Ballases -- Mr. Ballases,

16 for the record, I would ask you to please stop

17 interfering and obstructing the deposition.

18 MR. BALLASES: Objection. Sidebar.

19 So I would just request that you comply with

20 the judge's instruction to tailor the questions

21 narrowly to the reasons why the proof of claim was

22 filed and why it was withdrawn and not ask why he

23 knows people and who he knows people and not ask

24 things three times.

25 Q. (BY MR. CHOUDHRI) Is John Quinlan a

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1 co-claimant on the proof of claim?

2 A. I believe so.

3 MR. BALLASES: Objection. Form.

4 Q. (BY MR. CHOUDHRI) Is Osama Abdullatif a

5 co-claimant on the proof of claim?

6 MR. BALLASES: Objection. Form.

7 A. I believe so, yes.

8 Q. (BY MR. CHOUDHRI) When did you meet Osama

9 Abdullatif?

10 MR. BALLASES: Objection. Form.

11 A. Maybe 2010. 2009 or '10, something like that.

12 I'm not sure. Around the time you deprived me of my

13 property, I think.

14 Q. Which property is that, Mr. Khawaja?

15 A. The Avondale property.

16 MR. BALLASES: Objection. Form.

17 Q. (BY MR. CHOUDHRI) Can you tell us a little

18 bit about that, because you've mentioned it several

19 times in this deposition, and so I'd like you to tell

20 us a little more about the Avondale property.

21 A. No --

22 MR. BALLASES: Objection. Form.

23 I'm going to instruct him not to answer

24 because you're violating the judge's instruction as to

25 this limited deposition.

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1 Please stick to the proof of claim and the
2 reason why it's being withdrawn.

3 MR. CHOUDHRI: Mr. Ballases, he's opening the
4 door. He's answering my questions. I have a right to
5 ask him questions. Okay?

6 MR. BALLASES: Yeah, so you're not a lawyer.
7 You don't know what you're talking about.

8 MR. CHOUDHRI: Mr. Ballases, please be
9 respectful, sir. I know it's difficult, but please be
10 respectful.

11 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

12 MR. BALLASES: I am.

13 Q. (BY MR. CHOUDHRI) -- are you going to answer
14 my --

15 MR. BALLASES: I'm respecting my client --

16 Q. (BY MR. CHOUDHRI) -- questions --

17 MR. CHOUDHRI: Mr. Ballases, please stop
18 disrupting the deposition.

19 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you said you
20 met Mr. Osama Abdullatif when I deprived you of your
21 property. Is that -- did I hear that correct?

22 MR. BALLASES: Objection. Form.

23 A. Yes.

24 MR. BALLASES: I'm going to instruct you not
25 to answer.

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1 We're not going to talk about this.

2 THE WITNESS: Okay. Sorry.

3 MR. BALLASES: It has nothing to do with the
4 proof of claim. It has nothing to do for the reason
5 for filing it. It has nothing --

6 A. Ali, we can grab a cup of coffee afterwards.
7 You can ask me all about that. Let's please stick to
8 the purpose of this. Okay?

9 MR. CHOUDHRI: Let's have some decorum,
10 gentlemen. This is a formal deposition. I'm asking
11 the questions. Mr. Khawaja just said yes, so why the
12 proof of claim was filed is very relevant. And
13 Mr. Khawaja just answered that, so I have an
14 opportunity to explore that.

15 Mr. Ballases, you have a law license. You
16 have to follow the creed that you've been licensed by,
17 so please don't frivolously object and coach the
18 witness. Okay? I --

19 MR. BALLASES: Objection. Sidebar.

20 MR. CHOUDHRI: -- would like -- if everybody
21 wants, I'm happy to play the audio of the judge's oral
22 ruling so Mr. Khawaja is aware -- and so are you,
23 Mr. Ballases -- and we don't have to waste more time
24 like we did this morning about what the scope of the
25 deposition is about. Would you like me to do that,

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1 Mr. Ballases, so you can stop --

2 MR. BALLASES: Objection. Sidebar --

3 MR. CHOUDHRI: -- interfering --

4 MR. BALLASES: The only reason you're asking
5 questions is because I heard it. So why don't you be
6 quiet and focus on asking questions if it's relevant
7 to the judge's scope. Thank you.

8 MR. CHOUDHRI: Madam Court Reporter, do you
9 have a -- do you have an ability to play at a certain
10 point of the audio? Is that something you're able to
11 do for us?

12 THE REPORTER: I am actually not authorized to
13 be playing audio or sharing exhibits during the
14 deposition.

15 MR. CHOUDHRI: Okay. Well, maybe we can then
16 play the audio at 23 minutes and 14 seconds, and then
17 we'll play it at 28 minutes and 12 seconds.

18 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you -- you
19 have indicated that you have not heard the oral
20 ruling, why we're here, by Judge Robinson; is that
21 correct?

22 A. Let's assume for purposes of this question I
23 have. What would you like me to answer?

24 Q. Well, I just want to clarify because you keep
25 not answering, and Mr. Ballases keeps interfering and

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1 interrupting, so I want to go ahead and get the
2 judge's ruling on the record, so --

3 A. Just ask me the questions that you want the
4 answers to. I'm happy to answer the questions.

5 Q. Were you present or on the phone when the
6 hearing took place with Judge Robinson?

7 A. I was not.

8 MR. BALLASES: Objection. Form.

9 MR. CHOUDHRI: Let's go ahead and play at
10 23 minutes and 14 seconds.

11 Gene, can you play that right now?

12 MR. BALLASES: So just for the record, we --
13 as I've told your counsel, we have to cut it off at
14 4:30. If this is how you want to use your time, by
15 all means. It's your dime.

16 MR. CHOUDHRI: Mr. Ballases, you've been
17 interfering with the depo all day, and we're going to
18 do this by the rules and what the rules -- the federal
19 rules are and the timing. So if you want to walk out
20 of a depo, that's really your choice --

21 MR. BALLASES: (Unintelligible)

22 MR. CHOUDHRI: -- and you'll suffer the
23 consequences.

24 THE REPORTER: Okay. So just before we play
25 the audio, as I let everybody know in the e-mail, I

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1 cannot transcribe anything I cannot clearly hear. If
2 you would like a separate transcription of this audio,
3 then you can contact our office.

4 MR. CHOUDHRI: No -- no problem, Cheryl.
5 We'll do the best we can.

6 THE REPORTER: Okay. Thank you.

7 MR. CHOUDHRI: And I'm sure you will too. And
8 if it works, great.

9 THE REPORTER: Thank you.

10 MR. CHOUDHRI: So while we're getting ready to
11 do that -- go ahead, Gene. Are you ready?

12 MR. MCCUBBIN: Yeah. You said 23:14.

13 MR. CHOUDHRI: Correct, at 23 minutes and
14 14 seconds. Let's start there.

15 MR. MCCUBBIN: Yeah, this is, I think, 23:10.
16 Here we go.

17 (Audio file played.)

18 MR. MCCUBBIN: There you go.

19 MR. CHOUDHRI: Would you go to 23 minutes and
20 18 -- 28 minutes and 12 seconds, please?

21 MR. MCCUBBIN: Yeah, give me a second.

22 MR. CHOUDHRI: 28 minutes and 12 seconds.
23 Let's get that on the record. Go ahead.

24 MR. MCCUBBIN: Okay.

25 (Audio file played.)

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1 MR. MCCUBBIN: There you go.

2 Q. (BY MR. CHOUDHRI) Mr. Khawaja, were you able
3 to hear the judge, Robinson?

4 A. Yes.

5 Q. Does that help you understand a little more
6 about what we're here about?

7 A. What's your question?

8 Q. Did you --

9 MR. BALLASES: Objection (unintelligible) --

10 Q. (BY MR. CHOUDHRI) -- hear him say motivations
11 of filing the proof of claim? Do you understand what
12 that means, motivations of filing the proof --

13 A. Yes.

14 Q. -- of claim? Okay.

15 A. Yes.

16 Q. So again, I want to go back to some of my
17 questions, Mr. Khawaja. You said that I defrauded you
18 of your property.

19 A. Yes.

20 Q. So can you explain how I defrauded you of your
21 property? I want to understand the motivations here.

22 A. I think we got a trial --

23 MR. BALLASES: Objection. Form.

24 A. -- on that case coming up in a month. Let's
25 wait till trial. Let's wait till we get to trial on

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1 that.

2 Q. (BY MR. CHOUDHRI) Well, Mr. Khawaja, you
3 filed this proof of claim in the Texas REIT bankruptcy
4 case; correct?

5 A. Yes.

6 MR. BALLASES: Objection. Form.

7 Q. (BY MR. CHOUDHRI) And so your motivation,
8 when I asked you earlier -- and we can go back and
9 have the court reporter reread some of your answers
10 earlier in the deposition. I've taken notes as well.
11 I just want to make sure the record is good and clear;
12 there's no confusion.

13 MR. BALLASES: Objection. Form.

14 Objection. Sidebar.

15 Q. (BY MR. CHOUDHRI) Mr. Khawaja, I just want to
16 understand today; you're under no medication. Right?

17 A. Yes.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) And you're here and able to
20 answer truthfully under oath?

21 A. Yes.

22 MR. BALLASES: Objection. Form.

23 A. Yes.

24 Q. (BY MR. CHOUDHRI) And you understand you're
25 under oath as if you were in a courtroom; correct?

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1 MR. BALLASES: Objection. Form.

2 A. Like I'm in front of a jury, yes.

3 Q. (BY MR. CHOUDHRI) Or a judge.

4 A. Or a judge.

5 Q. Okay. So, Mr. Khawaja, can you tell us about
6 when you say, You defrauded me of my property, and you
7 said Avondale. Did I hear that correctly?

8 MR. BALLASES: Objection --

9 A. Mr. Choudhri, here's the thing --

10 MR. BALLASES: Objection. Form.

11 I'm going to instruct my client not to answer
12 because it exceeds the scope of the deposition as to
13 what -- the judge's order.

14 Plus, as I understand it, based on what was
15 just said --

16 THE WITNESS: There's a trial coming.

17 MR. BALLASES: -- he got a trial coming up,
18 and I'm not going to let you ask him -- get a second
19 deposition of him in a wholly separate matter that's
20 irrelevant to our proof of claim. Move along, please,
21 sir.

22 MR. CHOUDHRI: Mr. Ballases, you have been
23 disrupting this deposition the entire time. You
24 refused to let me answer -- ask questions, Ms. Lori
25 Hood. We had to send you the audio. You misstated

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1 what the judge said. You continue to disrupt the
2 deposition. We're allowed -- I played the audio
3 ruling. The judge says the motivation of filing the
4 proof of claim, and he says, Because you defrauded me
5 of my property, Avondale. So I have a right to get
6 into that.

7 When he answers a question, Mr. Ballases, I
8 have a right to explore that because that's his
9 answer. He opened the door. Throughout this depo, he
10 opened the door, Mr. Ballases, so I am entitled to ask
11 those questions. And if you're going to continue --

12 MR. BALLASES: (Unintelligible)

13 MR. CHOUDHRI: -- to instruct him wrongfully
14 to not answer that, then just instruct him, but stop
15 doing what you're doing and making talking objections.
16 Either object or instruct him not to answer, and we'll
17 keep moving on. But keep your objections limited to
18 what's correct and not frivolous --

19 MR. BALLASES: What's your legal objection,
20 sir -- what's your legal objection, sir, because I
21 didn't hear it.

22 MR. CHOUDHRI: You continue to do sidebars
23 throughout the deposition and disrupt and frustrate
24 the deposition. We're trying to have a smooth
25 deposition; you continue to have sidebars. So please

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1 refrain from that, Mr. Ballases.

2 Q. (BY MR. CHOUDHRI) Mr. Khawaja, when you

3 said --

4 MR. BALLASES: Objection. Sidebar.

5 Q. (BY MR. CHOUDHRI) -- you -- Mr. Khawaja, what

6 is the Avondale property?

7 MR. BALLASES: Objection. Form.

8 This has nothing do to with the proof of claim

9 or the withdrawal --

10 (Crosstalk)

11 A. We're getting ready to stop this depo -- you

12 need to get to your questions. We're not talking

13 about cases that are going to trial. You know better

14 than that. I'm not doing it. So get to the questions

15 you have about this proof of claim. I'm happy to

16 answer those, or we're done.

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, are you going

18 to comply with the Court's order on this --

19 A. Yes.

20 Q. -- now getting into motivations for filing the

21 claim? And when asked, you said, Because you

22 defrauded me of my property.

23 A. No, I didn't. That's not true. You asked

24 me --

25 Q. That's not --

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1 A. -- when did I meet Osama -- you asked me when
2 did I meet Osama Abdullatif, and I said, Around the
3 time you defrauded me of my property.

4 Q. And when I -- when you said "my property,"
5 you're defining your property as Avondale; is that
6 correct?

7 MR. BALLASES: Objection. Form.

8 A. Yeah, I'm not going to -- again, we're getting
9 ready to shut the depo down, so it's up to you.

10 Q. (BY MR. CHOUDHRI) So you're refusing to
11 answer these questions; correct?

12 A. I'm refusing to answer questions that are
13 outside the scope of what you're permitted to ask,
14 correct.

15 MR. BALLASES: Objection. Form.

16 A. You're not an attorney.

17 Q. (BY MR. CHOUDHRI) So because I'm not an
18 attorney, I can't ask you questions per the Court's
19 ruling --

20 A. Outside --

21 Q. -- is your objection?

22 A. -- of the scope -- outside of the scope,
23 you're not. That's correct.

24 Q. So are you saying motivations for filing the
25 claim and you opening the door is outside the scope?

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1 A. Yes.

2 Q. Okay.

3 MR. BALLASES: Objection. Form.

4 Q. (BY MR. CHOUDHRI) And you're gonna refuse --
5 you're gonna refuse to answer any of those questions;
6 correct?

7 MR. BALLASES: Objection. Form.

8 A. You've only asked me one that I'm not gonna
9 talk about because there's a trial coming up. I think
10 the judge will understand that. Your -- if your --
11 any of the attorneys that you're paying that are here
12 with you would care to speak up, they'll tell you,
13 Mr. Choudhri, you can't ask those questions. So you
14 should ask them too.

15 MR. BALLASES: I object to the form of the
16 question.

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, did you -- you
18 mentioned Wayne Dolcefino; correct?

19 A. Yes.

20 MR. BALLASES: Objection. Form.

21 Q. (BY MR. CHOUDHRI) And, Mr. Khawaja, is
22 somebody in the room coaching you? Because you keep
23 looking at somebody else and talking and -- who's in
24 front of you right now that you keep looking at and
25 talking --

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1 A. I don't need to be coached to answer your
2 silly questions, no.

3 MR. BALLASES: Objection. Sidebar.

4 A. I can answer them with my eyes closed. Do you
5 want me to do that?

6 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you can answer
7 them however you want. I just want you to answer them
8 truthfully --

9 A. Yes.

10 Q. -- and honestly.

11 A. Yes.

12 Q. When did you meet Mr. Ballases?

13 MR. BALLASES: Objection. Form.

14 A. I don't know, to be hon -- but, you know, you
15 understand he's my attorney, and this is all --
16 anything I discussed with him, ever, including when I
17 met him or where I met him, is protected by
18 attorney-client privilege. You can't ask me those
19 questions.

20 Q. (BY MR. CHOUDHRI) So are you going to refuse
21 to answer my question on when you met Mr. Ballases?

22 A. Yes, I am.

23 Q. Mr. Khawaja, are you aware -- let's --

24 MR. CHOUDHRI: Steve, are you there? Would
25 you pull up that proof of claim, Steve?

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1 MR. SATHER: Just give me just a moment. I
2 need to turn my sharing back on.

3 MR. CHOUDHRI: No problem.

4 THE REPORTER: And just while he's doing that,
5 Mr. Khawaja, could you spell Avondale for me, please?

6 THE WITNESS: A-V-O-N-D-A-L-E.

7 THE REPORTER: Thank you.

8 MR. SATHER: Okay. I'm there.

9 MR. CHOUDHRI: Would you go down, Mr. Sather?
10 Just scroll down a little bit, please. Keep going.

11 Go to paragraph 9. Stop right there.

12 Q. (BY MR. CHOUDHRI) Mr. Khawaja, what does
13 Number 9 say on the proof of claim?

14 A. 9 --

15 MR. CHOUDHRI: Time out. Time out. Before we
16 go there, Mr. Sather, would you scroll up just for a
17 second a little bit? Stop right there.

18 Q. (BY MR. CHOUDHRI) Mr. Khawaja, what does that
19 captioning say? It starts at "24-10120." Would you
20 read that, please, into the record?

21 A. 24-1010 (sic), and this is at Number 4? Oops.
22 Sorry. One second here.

23 MR. BALLASES: Steve, would you mind -- this
24 is Michael Ballases. Will you make it bigger? I
25 can't read it on the screen. Please.

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1 Q. (BY MR. CHOUDHRI) Mr. Khawaja, my question is
2 to you.

3 MR. BALLASES: Thank you.

4 MR. CHOUDHRI: Stop, please.

5 Q. (BY MR. CHOUDHRI) What does it say? Claim
6 Number -- what exactly does that say? Would you read
7 that -- that entire header --

8 A. (Reading:) Read the --

9 Q. -- into the record?

10 A. (Reading:) Read the instructions before
11 filling out this form. This form is for making a --

12 Q. No --

13 A. (Reading:) -- claim for payment in a
14 bankruptcy case --

15 Q. No.

16 A. Which one?

17 Q. No, Mr. Khawaja. No, Mr. Khawaja. Look on
18 top where it says -- where it has a case number,
19 starts off with a case number. And then --

20 A. Yes.

21 Q. -- that's what -- would you read what's
22 highlighted, Mr. Khawaja, into the record?

23 A. Yeah, twenty -- okay. (Reading:)
24 24-10120-smr, Claim Number 9-1, filed 06/04/24, Main
25 Document page 1 of 3.

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1 Q. Yes. Is that what you authorized to be filed?

2 A. Yes.

3 MR. BALLASES: Objection. Form.

4 MR. CHOUDHRI: Scroll down, Mr. Sather.

5 Scroll down, Mr. Sather. Okay. Stop right there.

6 Q. (BY MR. CHOUDHRI) Mr. Khawaja, what does it
7 say on paragraph 9?

8 A. (Reading:) Is all or part of the claim
9 secured? Yes. The claim is secured by a lien on
10 property.

11 Is that what you're referring to?

12 Q. Yes.

13 MR. CHOUDHRI: Stop right there.

14 Q. (BY MR. CHOUDHRI) So it's your contention
15 that your claim is secured by a lien on the property;
16 is that correct?

17 A. I believe so, if that's what we filed.

18 Q. Okay. And you understand -- at least what
19 you're representing here is that a lis pendens is a
20 lien on property; correct?

21 A. I'm assuming that's what we're referring to,
22 yes.

23 Q. Okay. Mr. Khawaja, you're familiar with the
24 property Texas REIT that --

25 A. Yes.

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1 Q. Let me strike that. Let me strike that. It's
2 a bad question. Let me clear the record here. Okay?

3 Mr. Khawaja, you're aware that debtor, Texas
4 REIT, LLC, is in the Western District of the
5 Bankruptcy Court.

6 MR. BALLASES: Objection. Form.

7 A. I guess. I mean, that's -- if that's where
8 you chose to file it. I'm not sure.

9 Q. (BY MR. CHOUDHRI) You understand --

10 A. The property's located here in Houston, Harris
11 County.

12 Q. So my question, Mr. Khawaja, is that you are
13 aware that Texas REIT is the debtor that's in
14 bankruptcy in the Western District.

15 A. Yes.

16 Q. And Texas REIT owns a property. Are you
17 familiar with the property that Texas REIT owns?

18 A. Yes.

19 Q. What do you know about the property that Texas
20 REIT owns?

21 MR. BALLASES: Objection. Form.

22 A. That you have defrauded your partners out of
23 money in that property, that it's -- Walgreens left.
24 It's falling apart; a lot of homeless, a lot of crack
25 addicts in the area now. It's not maintained

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1 properly. It's part of this case, that there's a
2 judgment against you on it, and it's basically -- and
3 it's in Houston, yeah. It's in Houston, Texas, too.

4 Q. Anything else that you want to add to it?

5 A. No, that's it.

6 Q. When did you become familiar with this
7 property?

8 A. I think in the course of just monitoring
9 litigation against you.

10 Q. And remind me what kind of lawyer you are,
11 Mr. Khawaja.

12 MR. BALLASES: Objection. Form.

13 A. I do plaintiff's work.

14 Q. (BY MR. CHOUDHRI) Is that personal injury
15 mainly, what your --

16 A. Yes.

17 Q. -- focus is?

18 A. Yes, correct.

19 Q. Personal injury attorney?

20 A. Yes, correct.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) And, Mr. Khawaja, so you
23 became familiar with this property through the course
24 of litigation, you said?

25 A. Yes, just monitoring litigation.

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1 Q. When did you first become familiar with this
2 property?

3 A. I couldn't say --

4 MR. BALLASES: Objection. Form.

5 A. I couldn't say when.

6 Q. (BY MR. CHOUDHRI) Were you involved in any
7 way, shape, or form of filing any lis pendenses (sic)
8 on this property?

9 A. No.

10 MR. BALLASES: Objection. Form.

11 Q. (BY MR. CHOUDHRI) You've never been involved
12 of filing any lis pendenses on this property?

13 A. You mean --

14 MR. BALLASES: Objection. Form.

15 A. You mean other than the one that's in this --
16 or is part of the bankruptcy case?

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, my question is
18 very simple. Are you or have you ever been involved
19 in filing, directly or indirectly, lis pendenses
20 against the property that the debtor owns?

21 A. Not to my -- not to my understanding, no.

22 MR. BALLASES: Objection. Form.

23 A. I'm not sure what that has to do with the
24 scope of this deposition either, by the way.

25 Q. (BY MR. CHOUDHRI) Do you know what a

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1 bankruptcy stay is, Mr. Khawaja? Do you know what an
2 automatic --

3 A. Yes.

4 Q. -- stay is?

5 A. Yes.

6 THE REPORTER: I'm sorry. Do you know what
7 a --

8 MR. BALLASES: Objection. Form.

9 THE REPORTER: -- what is? I'm sorry. Mr. --

10 MR. CHOUDHRI: An automatic -- an automatic
11 stay.

12 THE REPORTER: Okay. Thank you.

13 A. You have more experience than I do on that,
14 but I do know what it is, yes.

15 Q. (BY MR. CHOUDHRI) Have you violated any
16 automatic stays?

17 MR. BALLASES: Objection. Form.

18 A. No, absolutely not.

19 Q. (BY MR. CHOUDHRI) Do you believe filing --
20 okay. Who is Hira Azhar?

21 MR. BALLASES: Objection. Form. And instruct
22 the client not to answer --

23 THE WITNESS: (Unintelligible)

24 MR. BALLASES: -- because it has nothing to
25 do --

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1 A. It's not --

2 MR. BALLASES: -- with our proof of claim or
3 the withdrawal of it, and it exceeds the judge's
4 limitations on this depo. So I'm going to object to
5 the question as harassing and oppressive and instruct
6 the client not to answer.

7 THE WITNESS: Thank you.

8 Q. (BY MR. CHOUDHRI) Did you participate with
9 Hira Azhar of filing a lis pendens against the subject
10 property?

11 MR. BALLASES: Same objection, same assertions
12 of privilege, same assertions of -- same objections
13 and same instruction not to answer.

14 Q. (BY MR. CHOUDHRI) You can answer,
15 Mr. Khawaja. What's your answer?

16 A. I will not answer on advice of counsel.

17 Q. Are you aware of any lis pendenses filed by
18 Hira Azhar against the debtor's property?

19 MR. BALLASES: Objection. Same objections,
20 same assertions of privilege, same instruction not to
21 answer. This has nothing to do with the proof of
22 claim in this matter or the reason for withdrawal.

23 A. I'm not going to answer.

24 Q. (BY MR. CHOUDHRI) Mr. Khawaja, has it been
25 your motivation to prevent me or any of my entities

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1 from transacting business?

2 MR. BALLASES: Objection. Form.

3 A. No.

4 Q. (BY MR. CHOUDHRI) Is it your -- is it your
5 habit to contact people that me or my entities are
6 doing business with and tell them not to do business
7 with me?

8 A. Never --

9 MR. BALLASES: Objection. Form.

10 A. Never done that.

11 MR. BALLASES: Can we please ask questions
12 about the purpose for the deposition today, the reason
13 for the filing of the proof of claim and the reason
14 for the withdrawal, sir?

15 MR. CHOUDHRI: Mr. Ballases, stop wasting
16 time. Keep it to objections.

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, do you -- what
18 is your phone number?

19 MR. BALLASES: Object -- don't answer that.

20 Objection --

21 Q. (BY MR. CHOUDHRI) Your cell --

22 A. You know my number. You've called me.

23 MR. BALLASES: Objection. Stop. Stop.

24 I'm going to instruct you not to answer. Your
25 cell phone is not relevant to this proceeding today.

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1 You don't need to give it on the record.

2 It's oppressive -- objection of oppressive and
3 harassing.

4 Q. (BY MR. CHOUDHRI) Mr. Khawaja, are you not
5 gonna answer the question about what your cell phone
6 is on the record today --

7 A. Correct.

8 Q. You refuse to answer --

9 A. Yeah, on advice of counsel --

10 THE REPORTER: I'm sorry --

11 A. On advice of counsel --

12 THE REPORTER: Just --

13 A. On advice of counsel --

14 THE REPORTER: -- one person --

15 THE WITNESS: Sorry.

16 THE REPORTER: -- at a time, please. Thank
17 you.

18 THE WITNESS: On answering the question that
19 Mr. Choudhri just asked, on advice of counsel, I will
20 not answer that question.

21 Q. (BY MR. CHOUDHRI) Isn't it true that you've
22 been involved with over 50 lis pendenses relating to
23 Texas REIT or any other entity that I have ownership
24 or control of?

25 A. No --

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1 MR. BALLASES: Objection. Form.

2 A. -- not true.

3 Q. (BY MR. CHOUDHRI) You have not participated
4 in any slander of title or fraudulent liens or
5 lis pendenses on any properties that Texas REIT or I
6 own or control.

7 MR. BALLASES: Objection. Form.

8 A. Correct.

9 Q. (BY MR. CHOUDHRI) You've not participated or
10 been involved with any filing of any lis pendenses
11 relating to the debtor's property.

12 A. That's correct.

13 MR. BALLASES: Objection. Form.

14 Are you referring to -- aside from the lis
15 pendens filed --

16 MR. CHOUDHRI: Sir -- no, Mr. Ballases. Stop.
17 Stop. Stop coaching the witness.

18 I'm going to object to you, your sidebar.

19 You're continually coaching the witness.

20 Please stop.

21 Q. (BY MR. CHOUDHRI) Mr. Khawaja, do you use --

22 MR. BALLASES: (Unintelligible)

23 Q. (BY MR. CHOUDHRI) -- text messaging as a form
24 of communication --

25 (Crosstalk)

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1 THE REPORTER: Sorry. I'm sorry. I'm getting
2 two speakers again.

3 MR. BALLASES: Sure. I just -- I'm just
4 trying to help Mr. Choudhri answer questions --

5 MR. CHOUDHRI: No, please don't help.

6 MR. BALLASES: -- on our --

7 MR. CHOUDHRI: Please don't help me. I don't
8 need your help, Mr. Ballases. Please stop talking.

9 Object and limit your objections. Stop talking.

10 Q. (BY MR. CHOUDHRI) Mr. Khawaja, do you use
11 text messaging as a form of communication?

12 MR. BALLASES: Objection. Form.

13 A. Occasionally, sure. I think we all do.

14 Q. (BY MR. CHOUDHRI) Have you texted Wayne
15 Dolcefino?

16 A. No.

17 MR. BALLASES: Objection. Form.

18 Q. (BY MR. CHOUDHRI) Have you received any text
19 messages from Wayne Dolcefino?

20 A. No.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) What's your answer,
23 Mr. Khawaja?

24 A. No.

25 MR. BALLASES: Objection. Form.

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1 Q. (BY MR. CHOUDHRI) Have you ever paid Wayne
2 Dolcefino directly or indirectly, in any way?

3 MR. BALLASES: Objection. Form.

4 A. (Unintelligible) no.

5 MR. BALLASES: I'm going to -- your answer is
6 what?

7 THE WITNESS: My answer is no.

8 MR. BALLASES: The answer is no, but I'm going
9 to instruct him not to answer any more questions that
10 have nothing to do with the scope and purpose of this
11 deposition pursuant to the judge's instruction.

12 MR. CHOUDHRI: Stop frivolously objecting,
13 Mr. Ballases. He said he learned based on Wayne
14 Dolcefino's videos, so I definitely have an
15 opportunity to get into the line of questions that I
16 need to get into, and you're going to continue to
17 object and instruct him not to answer. Is that what
18 you're going to say on the record?

19 MR. BALLASES: Objection. Sidebar.

20 Q. (BY MR. CHOUDHRI) Mr. Khawaja, just so the
21 record is clear, you have not ever, in any way, shape,
22 or form, paid Wayne Dolcefino any amount of money or
23 consideration?

24 A. I'm not answering that question.

25 MR. BALLASES: Objection. Form.

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1 I'm going to instruct the client --

2 MR. CHOUDHRI: I --

3 MR. BALLASES: -- not to answer because it is
4 oppressive and harassing and has nothing to do with
5 the limited scope of the deposition, and he's already
6 answered it.

7 Move along.

8 Q. (BY MR. CHOUDHRI) Are you not going to answer
9 any questions relating to Wayne Dolcefino?

10 A. That means, yes, I'm not going to answer any
11 questions relating to Wayne Dolcefino. He has nothing
12 to do with this case at all.

13 Q. Well, can I ask you why? When Ms. Hood was
14 asking you, you mentioned that you -- you mentioned
15 Wayne Dolcefino and how you --

16 A. He --

17 MR. BALLASES: Objection. Form.

18 (Crosstalk)

19 THE REPORTER: I'm sorry. One at a time,
20 please.

21 THE WITNESS: I'm sorry. Go ahead.

22 MR. BALLASES: Objection. Form, for the
23 record.

24 A. Well, can I answer? You asked very -- she
25 asked me very specifically where did I learn about the

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1 potential for the claims that -- the basis of the

2 claims that we filed against you in this case, and I

3 answered, Through multiple sources, including Wayne

4 Dolcefino. That's a factual answer.

5 Q. (BY MR. CHOUDHRI) And have you paid Wayne

6 Dolcefino any amount of money --

7 MR. BALLASES: Objection. Form.

8 Q. (BY MR. CHOUDHRI) -- or consideration,

9 directly or indirectly --

10 (Crosstalk)

11 MR. BALLASES: -- (unintelligible) not to

12 answer your question.

13 MR. CHOUDHRI: Mr. Ballases --

14 THE REPORTER: I'm --

15 MR. CHOUDHRI: Mr. Ballases, would you please

16 let the court reporter take her turn -- please take

17 turns. When I'm asking the question, wait till my

18 question is over before you need to --

19 MR. BALLASES: So you've asked -- you've asked

20 this question three times, and he's answered it three

21 times. And all three times, I've told him -- I've

22 objected and told him not to answer. So you don't

23 need to ask it a fourth time.

24 It's on the record clear. I know you're not

25 an attorney, and you're not familiar with this, but

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1 it's on the record and it's clear, I promise. Move

2 along.

3 Q. (BY MR. CHOUDHRI) So the record is clear,

4 when I've asked you, Have you been -- have you paid

5 Wayne Dolcefino any amount of money, directly or

6 indirectly, or any consideration, your answer is: I'm

7 not going to answer that question. Is that -- is that

8 clear --

9 MR. BALLASES: Objection --

10 Q. (BY MR. CHOUDHRI) -- for the record?

11 MR. BALLASES: Objection. Form. I've --

12 A. I'm not going to answer that question.

13 MR. BALLASES: -- objected --

14 A. I've already asked it -- answered.

15 MR. BALLASES: -- to the form. It's

16 oppressive and harassing. The client's already

17 answered it. I'm instructing him not to answer

18 because it's exceeding the scope of the deposition,

19 and it's oppressive and harassing, and it's asked and

20 answered.

21 Did you hear me, Mr. Choudhri?

22 MR. CHOUDHRI: Mr. Ballases, throughout today,
23 you have been frustrating this deposition.

24 MR. BALLASES: Objection. Sidebar.

25 MR. CHOUDHRI: You have been disrupting -- so

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1 please refrain from your -- your sidebar and your
2 objections. Limit to your objections as form.

3 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja --
4 MR. BALLASES: Objection. Sidebar.

5 Q. (BY MR. CHOUDHRI) -- have you paid --

6 Mr. Khawaja, have you paid -- no, let me back up.

7 Mr. Khawaja, who is Wayne Dolcefino? What
8 does he do?

9 MR. BALLASES: Objection --

10 A. I'm not going to answer these questions.

11 MR. BALLASES: Objection. Form.

12 A. I'm sorry. You've got to move on to the
13 claim -- claim questions, Ali, or we're gonna end
14 this.

15 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja, are you
16 going to tell me that you're not going to describe --

17 A. Yes.

18 Q. -- who Wayne --

19 A. I'm not going to.

20 Q. -- Dolcefino is, and you're not --

21 A. Correct.

22 MR. BALLASES: Objection. Form.

23 I'm going to instruct him not to answer

24 because your questions are oppressive and harassing,

25 and they exceed the scope of the limited deposition.



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1 I'm instructing him not to answer. I'm doing

2 it, Mr. Ballases.

3 Q. (BY MR. CHOUDHRI) Are you taking his

4 instructions and not answering any questions as it

5 relates to Wayne Dolcefino, Mr. Khawaja?

6 A. Yes, sir. Yes. I'm not. I will follow

7 advice of counsel.

8 Q. Who is Chris Wyatt, Mr. Khawaja?

9 A. Again, that has nothing to do with this case.

10 Q. So Chris Wyatt has nothing to do with this

11 case. So -- I want the record clear.

12 A. I -- Chris Wyatt is a witness, and he is a --

13 he was your former chief financial officer, and that's

14 how I know him -- or chief operating officer.

15 Q. Has he ever given you documents from the

16 Jetall server?

17 A. From the Jetall server? I don't -- I don't

18 know that. I don't know the answer to that question.

19 Q. Has Mr. Wyatt --

20 A. I don't know what the Jetall server is.

21 Q. Has Mr. Wyatt ever given you any documents?

22 A. No.

23 Q. Mr. Chris Wyatt has never given you any

24 documents; that's a true statement?

25 A. I cannot discuss anything pertaining to Chris

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1 Wyatt because of attorney-client privilege, so we're
2 not talking about Chris Wyatt.

3 Q. What is the privilege, Mr. Khawaja, with you
4 and Chris Wyatt?

5 A. Attorney-client privilege.

6 Q. Is Chris Wyatt an attorney?

7 A. No, no. I'm the attorney; he's the client.

8 He sought counsel from me, which I provided,
9 pertaining to this case, and I will not discuss

10 anything further regarding him.

11 Q. Pertaining to this case, the case we're here
12 for today.

13 A. No, pertaining to other matters involving you
14 and him.

15 Q. So Chris Wyatt is your client; is that
16 correct?

17 A. Yes.

18 MR. BALLASES: Objection --

19 Q. (BY MR. CHOUDHRI) And Hira Azhar is your
20 client; correct?

21 A. Yes.

22 Q. And Azeemah Zaheer is your client; correct?

23 A. Yes.

24 MR. BALLASES: Objection. Form.

25 Q. (BY MR. CHOUDHRI) And Osama -- and Osama

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1 Abdullatif is your client; correct?

2 A. Yes.

3 MR. BALLASES: Objection. Form.

4 Q. (BY MR. CHOUDHRI) Is David Tang your client?

5 A. No.

6 MR. BALLASES: Objection. Form.

7 A. He's just a friend.

8 Q. (BY MR. CHOUDHRI) Is Rodney Drinnon your
9 client?

10 MR. BALLASES: Objection. Form.

11 A. No.

12 Q. (BY MR. CHOUDHRI) Is Harold Polk --

13 A. He's an attorney.

14 Q. -- your client? Is Harold Polk your client?

15 MR. BALLASES: Objection. Form.

16 A. No, he's not.

17 Q. (BY MR. CHOUDHRI) Harold Polk is not your
18 client.

19 A. Correct.

20 MR. BALLASES: Objection. Form.

21 Q. (BY MR. CHOUDHRI) How did you meet Chris
22 Wyatt?

23 MR. BALLASES: Objection. Form.

24 A. Yeah, I can't talk about that. I'm sorry.

25 Q. (BY MR. CHOUDHRI) Why can't you talk about

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1 how you met Chris Wyatt?

2 A. That's protected.

3 Q. By what?

4 A. Attorney-client privilege.

5 Q. Are you refusing to answer when you met Chris

6 Wyatt?

7 A. Yes.

8 Q. When did the attorney-client privilege start

9 with Chris Wyatt?

10 MR. BALLASES: Objection. Form.

11 A. Since I met him.

12 Q. (BY MR. CHOUDHRI) And when did you meet him?

13 MR. BALLASES: Objection. Form.

14 A. Sometime after he left your employment.

15 Q. (BY MR. CHOUDHRI) You never met him while he

16 was employed as a paralegal for me?

17 A. No.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) You never saw him come to

20 court in the divorce case when you were representing

21 the -- Hira Azhar?

22 MR. BALLASES: Objection. Form.

23 A. No, I didn't, actually, to be honest with you.

24 No.

25 Q. (BY MR. CHOUDHRI) And you're not aware that

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1 Chris Wyatt worked on the case that Jetall has against

2 Khawaja?

3 A. No --

4 MR. BALLASES: Objection. Form.

5 A. -- I'm not aware of that.

6 Q. (BY MR. CHOUDHRI) You're not aware of that --

7 A. If he --

8 Q. -- is that correct?

9 A. Correct. If he did, he never discussed it

10 with me.

11 Q. So you're not aware that Chris Wyatt did legal

12 work for me while he was employed for me.

13 MR. BALLASES: Objection. Form.

14 A. No.

15 Q. (BY MR. CHOUDHRI) Isn't it true that Jetall

16 Companies has a judgment against Khawaja?

17 MR. BALLASES: Objection. Form.

18 A. "Against Khawaja," what does that mean?

19 Q. (BY MR. CHOUDHRI) Against Khawaja Partners.

20 A. Possibly.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) And that judgment has not

23 been appealed and not been superceded.

24 A. Yes.

25 Q. Is that one --

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1 MR. BALLASES: Objection. Form.

2 Q. (BY MR. CHOUDHRI) -- of your motivations,

3 Mr. Khawaja?

4 MR. BALLASES: Objection. Form.

5 A. No.

6 Q. (BY MR. CHOUDHRI) So Jetall owns an asset --

7 Jetall Companies owns an asset, and that's a judgment

8 against Khawaja Partners; correct?

9 MR. BALLASES: Objection. Form.

10 A. I don't know if Jetall owns an asset or --

11 Jetall doesn't seem to be doing too well right now.

12 Q. (BY MR. CHOUDHRI) And how do you know that?

13 MR. BALLASES: Objection. Form.

14 A. I mean, there was a great article about you
15 the other day in The Real Deal. I don't know if you
16 saw that.

17 Q. (BY MR. CHOUDHRI) Have you spoken to The Real
18 Deal?

19 A. I haven't --

20 MR. BALLASES: Objection. Form.

21 A. -- but I read that article.

22 THE REPORTER: Sorry --

23 A. It's not a good look.

24 Q. (BY MR. CHOUDHRI) You haven't spoken --

25 THE REPORTER: Sorry. Sorry. Just one at a

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1 time, please. Thank you.

2 A. I haven't, no.

3 Q. (BY MR. CHOUDHRI) Has anybody on your behalf,
4 indirectly or directly, spoken to The Real Deal?

5 MR. BALLASES: Objection. Form.

6 A. No, but a lot of people sent me that article,
7 like real estate -- people in real estate, legal. A
8 lot of people sent it to me.

9 Q. (BY MR. CHOUDHRI) And Chris Wyatt testified
10 at the that hearing; correct?

11 MR. BALLASES: Objection. Form.

12 A. I don't --

13 MR. BALLASES: What hearing are you talking
14 about, sir? I mean, come on.

15 MR. CHOUDHRI: Mr. Ballases --

16 A. You're all over the place.

17 MR. CHOUDHRI: -- can you --

18 Q. (BY MR. CHOUDHRI) Mr. Khawaja, The Real Deal
19 quotes an order and mentions Chris Wyatt.

20 MR. BALLASES: Objection. Form.

21 A. Okay. Anything else you want to share with me
22 about the article? I mean, that's fine.

23 Q. (BY MR. CHOUDHRI) And so have you paid Chris
24 Wyatt any money?

25 A. No.

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1 MR. BALLASES: Objection. Form.

2 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you had

3 mentioned that you're in the business of buying

4 judgments. Do you recall that line of testimony

5 earlier?

6 A. Yes.

7 Q. And you've bought less than ten judgments; is

8 that correct?

9 A. I think so.

10 Q. And your answers earlier were -- and I just

11 want to make sure the record is clear --

12 MR. BALLASES: Objection. Sidebar.

13 Q. (BY MR. CHOUDHRI) -- that the only --

14 Mr. Khawaja, are you done looking at your phone?

15 A. Yes. Sorry. Go ahead.

16 MR. CHOUDHRI: Just for the record, throughout

17 the deposition, Mr. Khawaja has been continuing to

18 look at his phone and make communications with other

19 people in the room and has constantly looked at his

20 phone throughout the entire duration of this

21 deposition.

22 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja, I just ask

23 you to please refrain from looking at your phone.

24 Okay?

25 MR. BALLASES: Objection. Sidebar.

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1 Don't instruct my client anything, and you are
2 incorrect with your assertions.

3 MR. CHOUDHRI: Mr. Ballases, please stop
4 talking.

5 Q. (BY MR. CHOUDHRI) Mr. Khawaja, can you please
6 stop looking at your phone?

7 MR. BALLASES: Objection. Sidebar.

8 A. I've got a sick relative in the hospital right
9 now. That's what I'm worried about, so...

10 Q. (BY MR. CHOUDHRI) Well, I'm sorry about your
11 relative. I hope they get better.

12 Mr. Khawaja, which judgments -- strike that.

13 Mr. Khawaja, it's your contention that any
14 entity that I -- at least if I heard your testimony

15 correctly earlier, that any entity that Ali Choudhri

16 has ownership or control in is an alter ego. Is that
17 your contention --

18 A. Of Ali --

19 Q. -- Mr. Khawaja?

20 A. Yes, it is.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) So any entity that Ali
23 Choudhri has any ownership or control of is an alter
24 ego of Ali Choudhri; correct?

25 A. I believe that -- I believe that to be the

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1 case, yes.

2 MR. BALLASES: Objection. Form.

3 Q. (BY MR. CHOUDHRI) Okay. Mr. Khawaja, which

4 judgments have you acquired?

5 MR. BALLASES: Objection. Form.

6 A. You mean other than yours? Other than the

7 Jetall judgments?

8 Q. (BY MR. CHOUDHRI) Again, Mr. Khawaja --

9 A. Are you there?

10 Q. -- I believe your answers earlier were that

11 you have not acquired any judgments other than

12 judgments relating to Jetall or Ali Choudhri.

13 A. I think that's --

14 Q. Is that true?

15 A. -- correct. That's true.

16 MR. BALLASES: Objection. Form.

17 Q. (BY MR. CHOUDHRI) So what I want to do is I

18 want to go down, because your contention is Texas REIT

19 is an alter ego of Ali Choudhri; correct?

20 A. Yes.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) So basically what you're

23 saying is any obligations of Ali Choudhri or any of

24 Ali Choudhri's entities are the obligations of Texas

25 REIT; is that correct?

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1 A. Yes. That's correct, yes.

2 Q. So it's just basically one big pot.

3 A. That's the way you've treated them, yes.

4 Q. And that's your contention, and that's the --

5 A. I believe the evidence will show that. Yes.

6 Q. And outside what's in your pleading, you don't

7 have any other evidence that --

8 MR. BALLASES: Objection. Form.

9 A. Well, we've got to do discovery -- we have to

10 do discovery, sir, which you're obstructing, but yes.

11 Q. (BY MR. CHOUDHRI) Okay. So the record is

12 clear, outside your pleading, there's no other

13 evidence other than the discovery you're yet to do.

14 MR. BALLASES: Objection. Form.

15 Q. (BY MR. CHOUDHRI) Is that correct?

16 A. We're in the -- we're in the middle of

17 discovery.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) Is that correct?

20 MR. BALLASES: Objection. Form.

21 A. Outside the pleading? The pleading contains a

22 lot of evidence. I don't know if you've seen the

23 attachments or not, but there's a lot. There's a lot

24 more that will have to be done.

25 Q. (BY MR. CHOUDHRI) And so you're refusing to

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1 answer any questions relating to Chris Wyatt; correct?

2 A. Yes.

3 MR. BALLASES: Objection. Form.

4 A. That's -- that encompasses attorney-client

5 privilege. Correct.

6 Q. (BY MR. CHOUDHRI) So anything I would ask you

7 today about Chris Wyatt, you would refuse to answer.

8 A. That's correct.

9 MR. BALLASES: Objection. Form.

10 Q. (BY MR. CHOUDHRI) Who drafted the affidavit

11 that was attached to the petition that's attached to

12 this proof of claim that Chris Wyatt signed?

13 MR. BALLASES: Objection. Form.

14 A. I have no idea.

15 Q. (BY MR. CHOUDHRI) You don't know --

16 A. It wasn't me.

17 Q. -- who drafted -- it wasn't you. Was it

18 Mr. Ballases?

19 MR. BALLASES: Objection. Form.

20 Instructing not to answer. It violates

21 attorney work product, attorney-client privilege.

22 A. I'm not answering on advice of counsel.

23 Q. (BY MR. CHOUDHRI) Does Mr. Ballases or Hoover

24 Slovacek represent Chris Wyatt?

25 A. I don't think so.

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1 Q. Does Ashish Mahendru represent Chris Wyatt?

2 MR. BALLASES: Objection. Form.

3 A. I don't know. I mean, ask Ashish.

4 Q. (BY MR. CHOUDHRI) Did you refer Chris Wyatt

5 to Ashish Mahendru?

6 MR. BALLASES: Objection. Form.

7 A. I mean, again, I just told you I'm not

8 answering any questions about Chris Wyatt.

9 Q. (BY MR. CHOUDHRI) So can you explain to me

10 why the adversary where you claim alter ego and

11 fraudulent transfer has an attachment of Chris Wyatt

12 as a declaration?

13 A. I mean, he had some evidence that you are an

14 alter ego, that you have alter egos that operate under

15 you, so he provided it. It's evidence.

16 Q. Do you hold any -- do you hold any contingency

17 claims or rights of any adverse parties to Ali

18 Choudhri or any of his related entities?

19 MR. BALLASES: Objection. Form.

20 A. Do I hold any -- I mean, if I did, it's

21 attorney-client privilege, so I'm not answering that.

22 Q. (BY MR. CHOUDHRI) So any contingency claims

23 you hold against --

24 A. Right.

25 Q. -- Texas REIT or any other entity --

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1 A. Yes.

2 Q. -- or party relating to Ali Choudhri is --

3 you're not going to answer because it's

4 attorney-client privilege?

5 A. Yes.

6 MR. BALLASES: Objection. Form.

7 A. And outside the scope of what you're allowed

8 to ask me about.

9 Q. (BY MR. CHOUDHRI) Mr. Khawaja, do you have

10 surveillance on me or any of my entities or companies?

11 MR. BALLASES: Objection. Form.

12 I'm going to instruct you not to answer. It's

13 harassing and oppressive. It has nothing to do with

14 the limited scope of this deposition.

15 A. I'm not answering that.

16 Q. (BY MR. CHOUDHRI) Do you have any agreement
17 with George Lee?

18 MR. BALLASES: Objection. Form.

19 A. I don't.

20 MR. BALLASES: It's not relevant to the
21 limited scope of this deposition; therefore, I'm going
22 to instruct him not to answer.

23 A. I should be asking you that question. It's
24 gonna come up in trial.

25 Q. (BY MR. CHOUDHRI) Do you have any text

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1 messages between you and George Lee?

2 MR. BALLASES: Object --

3 A. No --

4 MR. BALLASES: Objection. Form.

5 A. -- I'm not gonna talk about that.

6 MR. BALLASES: And I'm going to instruct

7 him not to --

8 A. It has nothing to do with this.

9 MR. BALLASES: I'm going to instruct you not

10 to answer. It violates the scope of this deposition

11 that the judge indicated. It's harassing and

12 oppressive. This isn't a free-for-all discovery.

13 THE WITNESS: Yeah.

14 MR. BALLASES: It's just about why the proof

15 of claim was filed or why it's being withdrawn.

16 Q. (BY MR. CHOUDHRI) So is it your contention

17 that you have information you've received from Chris

18 Wyatt that has to do with the basis of your claim?

19 MR. BALLASES: Objection. Form.

20 A. I mean, he provided an affidavit in this case,

21 so...

22 Q. (BY MR. CHOUDHRI) So again, when did he

23 become your client, and when did you establish that

24 attorney-client privilege?

25 MR. BALLASES: Objection. Form.

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1 A. I'm not sure when.

2 Q. (BY MR. CHOUDHRI) Do you have text messages

3 between you and Chris Wyatt?

4 MR. BALLASES: Objection. Form.

5 A. I mean, if I did, I wouldn't disclose them to

6 you, and nor would a court compel me to. It's

7 attorney-client privilege.

8 Q. (BY MR. CHOUDHRI) Well, here's the thing,

9 Mr. Khawaja. Here's the thing. There's something

10 called a privilege log, right? I'm entitled to know

11 if you have communications. I'm not asking you --

12 MR. BALLASES: Objection. Sidebar.

13 Q. (BY MR. CHOUDHRI) -- about the content of

14 your communications.

15 MR. CHOUDHRI: Mr. Ballases, please stop

16 interrupting.

17 Q. (BY MR. CHOUDHRI) Mr. Khawaja, I'm not asking

18 you about the contents of your --

19 MR. BALLASES: (Unintelligible)

20 Q. (BY MR. CHOUDHRI) Let me finish my question

21 before you answer. Okay?

22 I'm asking you not about -- so we're very

23 clear, I'm not eliciting or asking you for privileged

24 information. I'm asking you if there are

25 communications, not the contents. Do you have --

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1 A. Even if it existed --

2 Q. -- communications with Chris -- can I finish?

3 Do you have communications with Chris Wyatt,

4 yes or no?

5 MR. BALLASES: Objection. Form.

6 A. Even if it existed, I would not disclose that

7 to you, nor would I be compelled to, nor is it a part

8 of this case.

9 Q. (BY MR. CHOUDHRI) So why are you adding the

10 declaration of Chris Wyatt as a part of this case?

11 MR. BALLASES: Objection. Form.

12 A. It's evidence.

13 Q. (BY MR. CHOUDHRI) Well, do you understand

14 what a sword --

15 A. It's evidence of the alter (unintelligible).

16 Q. -- and shield is?

17 THE REPORTER: I'm sorry --

18 Q. (BY MR. CHOUDHRI) It's evidence of the alter

19 ego?

20 I'm sorry. Finish your question -- your

21 answer, Mr. Khawaja. It's --

22 A. It's evidence --

23 Q. -- evidence of what?

24 A. -- of the alter ego. It's evidence of the

25 alter ego.

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1 Q. So Chris Wyatt has evidence of the alter ego.

2 That's your answer?

3 A. Yes.

4 Q. And you're refusing to answer any questions
5 about Chris Wyatt.

6 A. I'm not gonna talk about any attorney-client
7 privileged communications. Correct.

8 Q. So do you have any communications with Chris
9 Wyatt, yes or no?

10 MR. BALLASES: Objection. Form.

11 A. I'm not gonna talk about it.

12 MR. BALLASES: Objection. Form.

13 MR. CHOUDHRI: Mr. Ballases, being emphatic on
14 your objection doesn't change the objection.

15 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

16 MR. BALLASES: Objection. Sidebar.

17 Q. (BY MR. CHOUDHRI) -- are you refusing to --
18 are you refusing to answer the mere fact that
19 communications exist between you and Chris Wyatt?

20 MR. BALLASES: Objection. Form.

21 A. I'm telling you that if they do exist -- I'm
22 not confirming that they do or don't, but they would
23 be privileged. That's it. And this is not the
24 case --

25 Q. (BY MR. CHOUDHRI) So how did --

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1 A. This is not the case that you're going to get
2 any of that information.

3 Q. Now, you'll agree with me that Chris Wyatt --
4 that in your petition in adversary that you've
5 attached to this proof of claim, you've attached a
6 declaration of Chris Wyatt, true or false?

7 A. True.

8 Q. And you're refusing to provide me any
9 communications or the fact that any communications
10 even exist between you and Chris Wyatt, true?

11 MR. BALLASES: Objection. Form.

12 A. True.

13 Q. (BY MR. CHOUDHRI) Mr. Khawaja, would you
14 please stop looking at your phone?

15 A. I'm not looking at my phone. I'm looking at
16 the petition that you just asked me about, the
17 adversary.

18 MR. BALLASES: Objection. Sidebar.

19 Don't instruct my client again.

20 A. This is the adversary petition I'm reading.

21 Q. (BY MR. CHOUDHRI) Mr. Khawaja, what
22 contingency claims, if any, do you hold, indirectly or
23 directly, against me or any of my entities?

24 MR. BALLASES: Objection. Form.

25 A. Outside the scope of this discussion. I'm not

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1 answering.

2 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja, it's your

3 contention that Texas REIT is an alter ego of every

4 one of those entities that I have interest in;

5 correct? That's your contention.

6 MR. BALLASES: Objection. Form.

7 Q. (BY MR. CHOUDHRI) You're refusing to answer

8 what claims -- so is your statement or answer here,

9 under oath, that you're refusing to answer what

10 motivations and rights or claims or contingencies you

11 have against Texas REIT? Now, when I --

12 MR. BALLASES: Objection. Form.

13 Q. (BY MR. CHOUDHRI) -- say "Texas REIT," that

14 applies to any and all entities that I have ownership

15 in, directly or indirectly; correct?

16 A. Yes, based on alter ego. Yeah, I'm not gonna

17 give you any -- whether I have any contingency-related

18 litigation against you on that. If I do, you'll find

19 out about it at some point.

20 Q. So you're refusing to disclose any claims you

21 have against the debtor.

22 MR. BALLASES: Objection. Form.

23 A. Any claims I have against the debtor? I don't

24 have any claims against the debtor other than the ones

25 I presented in this case.

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1 Q. (BY MR. CHOUDHRI) So when you have
2 contingencies or claims against me, under your theory,
3 those would be claims against the debtor as well.

4 MR. BALLASES: Objection. Form.

5 A. I don't know about that.

6 Q. (BY MR. CHOUDHRI) Do you use WhatsApp?

7 A. Yes.

8 MR. BALLASES: Objection. Form.

9 Q. (BY MR. CHOUDHRI) Have you communicated --

10 A. We're in some group -- we're in some groups
11 together on WhatsApp, I think. Yes.

12 Q. Mr. Khawaja, did you come to me for a job?

13 MR. BALLASES: Objection. Form.

14 A. A job? I'm not talking about that, no.

15 Q. (BY MR. CHOUDHRI) You never came to me for a
16 job.

17 A. No. Look, that's outside the scope of this
18 conversation.

19 MR. CHOUDHRI: Mr. Osama Abdullatif needs to
20 stop talking in the background and coaching the
21 witness.

22 MR. BALLASES: Objection. Sidebar.

23 MR. CHOUDHRI: Mr. Ballases, please stop.

24 Control Mr. Osama --

25 MR. BALLASES: Objection. Sidebar.

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1 MR. CHOUDHRI: -- (unintelligible) your
2 witnesses.

3 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

4 MR. BALLASES: Objection. Sidebar.

5 Q. (BY MR. CHOUDHRI) -- would you mind sharing
6 the camera around your office there?

7 A. We're not gonna do that.

8 Q. You're not gonna do that? Okay. You're
9 refusing to do that.

10 MR. BALLASES: Objection. Sidebar.

11 Objection. Form.

12 Q. (BY MR. CHOUDHRI) Mr. Khawaja, did you ever
13 seek employment from Jetall Companies?

14 MR. BALLASES: Objection. Form.

15 I'm going to instruct the client not to
16 answer. It's harassing and oppressive. It exceeds
17 the limited scope of this deposition per the judge's
18 instructions.

19 Stop wasting time, sir.

20 Q. (BY MR. CHOUDHRI) You can answer,
21 Mr. Khawaja.

22 A. On advice of counsel, I'm not gonna answer
23 that question. Sorry.

24 Q. Are you upset at Jetall Companies in any way,
25 shape, or form?

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1 A. No.

2 Q. Are you upset at Ali Choudhri in any shape,
3 way, or form?

4 A. I mean, I want the money that I'm owed. Just
5 pay me the money that you owe. This will -- this will
6 go away. It's nothing personal.

7 Q. And how much money would it take to make this
8 go away?

9 MR. BALLASES: Objection. Form.

10 We're not -- I'm going to instruct my client
11 not to answer. It has nothing do with the limited
12 scope of this deposition and exceeds what the judge's
13 orders were.

14 Q. (BY MR. CHOUDHRI) Are you going to answer the
15 question, Mr. Khawaja?

16 A. I'm gonna follow the advice of counsel and not
17 answer.

18 Q. So you say this is about money; Just pay me
19 the money you owe me, and I'll go away. But you won't
20 tell me what that amount is. Is that your answer?

21 MR. BALLASES: Objection. Form.

22 A. Yeah, we're not --

23 MR. CHOUDHRI: Is Osama Abdullatif --

24 A. -- in a settlement --

25 Q. (BY MR. CHOUDHRI) No, this is not a

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1 settlement. I'm asking you -- again, this is not
2 settlement discussion. This is a deposition under
3 oath on the record.

4 I'm asking you a follow-up to your answer that
5 this is not personal; it's about money. That's all
6 you want. You want money, and you'll go away. That's
7 what you said. Did I hear -- did I hear your
8 answer --

9 MR. BALLASES: Objection --

10 Q. (BY MR. CHOUDHRI) -- incorrectly, or do we
11 need the court reporter to repeat your answer?

12 MR. BALLASES: Objection. Form.

13 Objection. Sidebar.

14 Q. (BY MR. CHOUDHRI) Are you answering the
15 question --

16 A. You need to move along, sir. I'm not going to
17 answer that question.

18 MR. CHOUDHRI: Ms. Court Reporter, would you
19 read back his statement or his answer earlier: This
20 is not personal; it's just money; if you pay me the
21 money you owe me, I'll go away.

22 Would you read that back into the record so
23 it's clear? There's been a lot of objections, and
24 I've been distracted.

25 THE REPORTER: I'll need a minute to go

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1 through and find that answer.

2 MR. CHOUDHRI: Take your time. No problem.

3 Mr. Khawaja is not on the screen any longer,

4 for the record.

5 MR. BALLASES: Yeah, he is.

6 MR. CHOUDHRI: Mr. --

7 THE REPORTER: Sorry. Just off the record. I

8 just need to go off the record because I can't type

9 and look for the testimony at the same time.

10 MR. CHOUDHRI: So why don't we take a five --

11 THE WITNESS: Can you see me?

12 MR. CHOUDHRI: I'll tell you what. Why don't

13 we do this, Ms. Court Reporter. It looks like we've

14 been going for a little bit here. So it's 2:42. Why

15 don't we come back in 15 minutes at 3:00.

16 MR. BALLASES: No, we'll take a five-minute

17 break.

18 THE WITNESS: We'll take a five-minute break,

19 and that's it. We're done.

20 MR. CHOUDHRI: Again, Mr. Khawaja, this is my

21 deposition. I get to ask questions. And with all due

22 respect, you really don't dictate the -- but if you

23 need to take a break, I'm happy to let you take a

24 break --

25 THE WITNESS: I'll take a five-minute break,

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1 and that's it.

2 No? Okay. No, we don't need a break. Thank
3 you.

4 MR. CHOUDHRI: So, Court Reporter, while
5 you're looking for the answer, let's go and take a
6 five-minute break. We'll come back in five minutes.
7 We're off the record.

8 (A recess was taken.)

9 THE REPORTER: So we are back on the record.
10 And I just please ask everybody, in order to keep the
11 record clear, please, one speaker at a time.

12 And, Mr. Khawaja, if your counsel does have an
13 objection, just please allow him to make the objection
14 and then answer afterwards, just so I don't have both
15 of you speaking. Thank you.

16 THE WITNESS: All right. Thank you.

17 MR. BALLASES: So just for the record,
18 Ms. Court Reporter, we've looked at the live schedule
19 that was filed by the debtor under declaration of
20 penalty and was signed by Mr. Ali Choudhri, and it
21 does not list Mr. Choudhri as a debtor anywhere on
22 here, and therefore -- or excuse me -- as a creditor
23 anywhere on here. And so, therefore, him not being a
24 creditor based upon his own sworn document, he has no
25 legal basis to continue to ask questions here today.

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1 So I'd like to have -- if Ms. Hood or
2 Mr. Sather have any more questions, I'd like to finish
3 it up. Mr. Khawaja does have to go because he has a
4 relative who is probably passing away relatively soon
5 in the hospital. We can then move on --

6 MR. CHOUDHRI: So --

7 MR. BALLASES: -- with the next deponents.

8 MS. HOOD: So --

9 MR. CHOUDHRI: So, Mr. Ballases --

10 Mr. Ballases, this is my deposition. If you want --

11 if there is a life/death situation, I'm not -- I'm

12 happy to work with you and Mr. Khawaja on schedules.

13 I have no problem doing that. Family's important. So

14 if we need to reset this deposition to tomorrow or

15 another day, I'm happy to accommodate that.

16 But what I don't want to do is have you

17 control the deposition and who can ask questions and

18 who can't, because I'm in the middle of my questioning

19 of Mr. Ballases (sic). So --

20 MR. BALLASES: Okay. So --

21 MR. CHOUDHRI: -- let's continue on with the

22 questions.

23 Q. (BY MR. CHOUDHRI) Mr. Khawaja, are you ready

24 to answer more questions?

25 THE WITNESS: What do you think, Michael?

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1 MR. BALLASES: It's up to you. If you've got
2 to go to the hospital, then --

3 A. Okay. I can go for a little bit longer.

4 MR. CHOUDHRI: Okay. Madam Court Reporter,
5 would you please read the answer back while we took a
6 break?

7 THE REPORTER: Okay. One second. Okay. So
8 the question and answer was (Reading:) Question: Are
9 you upset at Ali Choudhri in any way, shape, or form?

10 Answer: I mean, I want the money that I'm
11 owed. Just pay me the money that you owe. This will
12 go away. It's nothing personal.

13 Q. (BY MR. CHOUDHRI) Mr. Khawaja, did she read
14 your answer correctly and accurately?

15 A. Yes.

16 Q. And so to follow up on that answer, what is
17 the amount of the money that you claim you're owed?

18 A. Well, there's a certain amount of -- there's a
19 certain amount that's claimed in the judgment that
20 probably has gone up since we filed it. And, you
21 know, you can go through that. Your attorney can
22 discuss that with my attorney if you want to make an
23 offer. Someone will --

24 Q. I'm not asking about a settlement,
25 Mr. Khawaja. I'm just asking about how much money

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1 you're owed, because I can go to the oral ruling
2 that -- from Judge Robinson about how you came up with
3 the number, how you calculated it, and what that
4 number is. And that's what we're here today to ask
5 you questions about on your proof of claim.

6 So you said, Owe me -- pay me the money you
7 owe, so my question is --

8 A. Right.

9 Q. -- what are you claiming you're owed?

10 A. Do you have a copy of the adversary?

11 Q. Go ahead, Mr. Khawaja. What is the amount of
12 money you're owed? That's my question. Do you know?

13 A. Yeah, it's somewhere north of \$500,000. Give
14 me one second here.

15 The total amount is \$4,847,894.68.

16 Q. I'm sorry. Would you repeat that again? The
17 total amount that you're owed is what?

18 A. \$4,847,894.68.

19 Q. Sorry. There's somebody talking in the
20 background. I think Osama's helping you and talking,
21 so --

22 MR. BALLASES: Objection. Sidebar.

23 Q. (BY MR. CHOUDHRI) So what is the total amount
24 that you need to be paid so you can go away?

25 MR. BALLASES: Objection. Form.

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1 A. \$4,847,894.68.

2 Q. (BY MR. CHOUDHRI) Okay. Thank you for your

3 answer, Mr. Khawaja.

4 And you stand behind that number as being

5 truthful, accurate with all lawful offsets?

6 A. I mean, I don't -- I don't know what that

7 means, but yeah, it's truthful, for sure.

8 Q. Okay.

9 A. There are no offsets.

10 Q. There are no offsets?

11 A. No.

12 Q. Is that what you said?

13 Okay. So there are no offsets; is that

14 correct?

15 A. That's correct.

16 Q. Okay. Mr. Khawaja, is that the basis of -- so

17 let me just kind of set the table for a second.

18 So we said this earlier, and I just want to

19 make sure that I don't have to go through a list of,

20 you know, all these entities and all these other

21 parties.

22 So when we talk about Texas REIT, when you

23 answer the question that -- against Texas REIT, your

24 position is that any entity that I have ownership,

25 directly in or indirectly, is an alter ego of Texas

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1 REIT; correct?

2 MR. BALLASES: Objection. Form.

3 A. Alter ego of Ali Choudhri. Yes.

4 Q. (BY MR. CHOUDHRI) Okay. So --

5 A. And Jetall Companies.

6 Q. -- that's the basis?

7 THE REPORTER: I'm sorry?

8 Q. (BY MR. CHOUDHRI) And Jetall. So when the --

9 THE REPORTER: And who? Sorry.

10 THE WITNESS: Sorry. Of Ali Choudhri and

11 Jetall Companies.

12 THE REPORTER: Thank you.

13 Q. (BY MR. CHOUDHRI) And so that is the basis of

14 several lis pendenses that have been filed; is that

15 correct?

16 A. I don't know about several. There's one

17 that's filed in this case.

18 Q. Well, if you contend that any and all

19 liabilities and assets of Texas REIT's are alter egos

20 of Ali Choudhri, you have -- in this adversary that is

21 the basis of your proof of claim -- back up.

22 This proof -- the adversary is the basis of

23 your proof of claim; correct?

24 A. Yes.

25 Q. So in that adversary, you have filed many lis

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1 pendenses on various properties, true or false?

2 A. Yes.

3 Q. And what real property interest do you contend

4 that you own in any of these properties?

5 A. We're a judgment creditor. So if you own it,

6 we own it.

7 Q. So it's your contention that -- again, I just

8 want to get the whole scope here. It's your

9 contention that, based on the fact that you're a

10 judgment creditor, you have real property interest in

11 all these various properties, true or false?

12 A. Yes.

13 Q. Is that true?

14 A. True.

15 Q. Outside of that, do you have any other real

16 property interest that you contend you own in any of

17 these properties?

18 A. No.

19 Q. And do you know where I live?

20 MR. BALLASES: Objection. Form.

21 A. I think you live in 9201 Arabella.

22 Q. (BY MR. CHOUDHRI) 9201 Arabella?

23 MR. BALLASES: Objection. Form.

24 A. Let me see here. Ninety -- sorry -- 9201.

25 You live at Arabella PH, whatever property Arabella PH

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1 3201, LLC, owns. At the Arabella, I think, unless you

2 moved.

3 Q. (BY MR. CHOUDHRI) And you have knowledge that

4 I've lived there for how long?

5 MR. BALLASES: Objection. Form.

6 A. I mean, I guess at least a few years. Maybe

7 two.

8 Q. (BY MR. CHOUDHRI) And are you aware that --

9 A. You sold your house and then -- I think so. I

10 mean, look, I -- I'm not sure, to be honest with you.

11 I think you live there. I can find out if you want me

12 to.

13 Q. So you said I sold my house?

14 MR. BALLASES: Ali, can -- Mr. Choudhri, can

15 you put yourself on the screen again so we know it's

16 you asking questions?

17 Q. (BY MR. CHOUDHRI) So you said --

18 MR. BALLASES: Thank you.

19 Q. (BY MR. CHOUDHRI) -- I sold my house,

20 Mr. Khawaja, that you know I sold my house?

21 A. Yeah.

22 MR. BALLASES: Objection. Form.

23 A. You sold the River Oaks house; right?

24 Q. (BY MR. CHOUDHRI) I'm asking you,

25 Mr. Khawaja. You said I sold my house. What do you

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1 mean by that?

2 A. Yes. I think you sold your River --

3 MR. BALLASES: Objection. Form.

4 A. I think you sold the River Oaks house, and
5 then you moved.

6 Q. (BY MR. CHOUDHRI) And how do you know that?

7 MR. BALLASES: Objection. Form.

8 A. I think -- I mean, that's just -- that's the
9 rumors.

10 Q. (BY MR. CHOUDHRI) And who told you that?

11 MR. BALLASES: Objection. Form.

12 A. I think it was in The Real Deal.

13 Q. (BY MR. CHOUDHRI) Is that where you -- are
14 you saying that's where you know about it?

15 A. Possibly.

16 MR. BALLASES: Objection. Form.

17 A. I don't know, to be honest with you.

18 Q. (BY MR. CHOUDHRI) Do you know who Kevin

19 Powers is?

20 MR. BALLASES: Objection. Form.

21 A. He's an attorney. Yes.

22 Q. (BY MR. CHOUDHRI) Have you communicated with
23 Kevin Powers?

24 MR. BALLASES: Objection. Form.

25 A. I think he called me once or twice, but no

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1 real communication with him.

2 Q. (BY MR. CHOUDHRI) Have you ever texted him or
3 received texts from him?

4 MR. BALLASES: Objection. Form.

5 A. Not that I recall. I don't think so.

6 Q. (BY MR. CHOUDHRI) Do you know who WCW is?

7 MR. BALLASES: Objection. Form.

8 A. Some entity that you owe money, I think.

9 Q. (BY MR. CHOUDHRI) Do you know who Steven Wu
10 is?

11 A. Another guy that you --

12 MR. BALLASES: Objection. Form.

13 A. -- that you owe money to.

14 Q. (BY MR. CHOUDHRI) And your contention is I
15 owe money to Steven Wu?

16 A. You owe money --

17 MR. BALLASES: Objection. Form.

18 A. -- to a lot of people, including me, but yes.

19 Q. (BY MR. CHOUDHRI) And what do you know about
20 what I owe to Steven Wu?

21 MR. BALLASES: Objection. Form.

22 A. That you defrauded him, and they have --
23 they're seeking to recover the money that you owe them
24 and --

25 Q. (BY MR. CHOUDHRI) And how much money is

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1 that --

2 A. -- defrauded them in the Texas REIT --

3 THE REPORTER: I'm sorry --

4 Q. (BY MR. CHOUDHRI) I defrauded in the Texas
5 REIT case, you said?

6 A. Yes. I think some Texas REIT case. I'm not
7 sure which one, but it's millions of dollars.

8 Q. And so is it Steven Wu that you contend that I
9 defrauded?

10 A. Yes.

11 MR. BALLASES: Objection. Form.

12 Q. (BY MR. CHOUDHRI) And Steven Wu is owed money
13 by Texas REIT is your contention?

14 MR. BALLASES: Objection. Form.

15 A. Yes, and there's probably many other creditors
16 out there I'm not aware of.

17 Q. (BY MR. CHOUDHRI) Which creditors are you
18 aware of?

19 MR. BALLASES: Objection. Form.

20 A. Only the ones that I would know. I mean, I'm
21 one of them. So, I mean, whoever's listed in these
22 schedules, I guess.

23 Q. (BY MR. CHOUDHRI) Have you contacted TIG
24 Romspen? Do you know who Romspen is?

25 A. No.

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1 MR. BALLASES: Objection. Form.

2 A. I know who they are, but I have not -- I read
3 about them in The Real Deal, but I've not contacted
4 them.

5 Q. (BY MR. CHOUDHRI) Do you know who Mansoor
6 Chaudhry is?

7 A. Yes.

8 Q. Do you have an attorney-client privilege with
9 him?

10 A. No, I don't.

11 MR. BALLASES: Objection. Form.

12 Q. (BY MR. CHOUDHRI) Have you ever texted him or
13 received texts from him?

14 A. No.

15 MR. BALLASES: Objection. Form.

16 A. I mean, yes, he's texted me. Yes, he has.

17 Q. (BY MR. CHOUDHRI) So when did you meet
18 Mansoor Chaudhry?

19 A. Maybe two years --

20 MR. BALLASES: Objection. Form.

21 Q. (BY MR. CHOUDHRI) Under what circumstance?

22 MR. BALLASES: Objection. Form.

23 A. He's a -- he has a title company, and I've
24 done some title work with him.

25 Q. (BY MR. CHOUDHRI) So you do some title work

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1 with him?

2 A. Yes.

3 MR. BALLASES: Objection. Form.

4 Q. (BY MR. CHOUDHRI) What is the name of his
5 title company?

6 MR. BALLASES: Objection. Form.

7 A. I think it's called Transact Title.

8 Q. (BY MR. CHOUDHRI) And is Transact Title a
9 tenant at 1001 West Loop?

10 MR. BALLASES: Objection. Form.

11 A. Yes.

12 Q. (BY MR. CHOUDHRI) And have you filed a lis
13 pendens against 1001 West Loop?

14 MR. BALLASES: Objection. Form.

15 A. If it's an alter ego of yours -- no, I don't
16 think so. Maybe not.

17 Q. (BY MR. CHOUDHRI) You're looking at Osama to
18 answer the questions. Do you understand this
19 deposition is me asking you, not Osama answering the
20 questions? You understand that; right?

21 MR. BALLASES: Objection. Sidebar.

22 Don't pretend like you know what's happening
23 over here.

24 Objection. Sidebar.

25 A. I'm not looking at anybody. But I don't know.

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1 Do you want me to file a lis pendens on 1001 West

2 Loop?

3 Q. (BY MR. CHOUDHRI) As we sit here today, are

4 you telling me that you have not caused any lis

5 pendens to be filed on 1001?

6 A. No. I don't know. I don't think so.

7 Q. Do you contend 1001, the property, 1001, or

8 the entity that owns 1001, is an alter ego of Ali

9 Choudhri or Texas REIT?

10 A. Yes. Yes, it is.

11 Q. Do you contend --

12 A. Even if it's not listed by -- even if it's not

13 here, it is -- anything that you control or own is an

14 alter ego, because that's how you operate.

15 Q. Okay. Do you know who BridgeCo is,

16 Mr. Khawaja?

17 A. Yes.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) Have you spoken to anybody

20 at BridgeCo?

21 A. No.

22 MR. BALLASES: Objection. Form.

23 Q. (BY MR. CHOUDHRI) But you've sued BridgeCo;

24 correct?

25 A. Yes.

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1 MR. BALLASES: Objection. Form.

2 Q. (BY MR. CHOUDHRI) And are you aware that

3 BridgeCo made six loans?

4 A. Yeah.

5 MR. BALLASES: Objection. Form.

6 Q. (BY MR. CHOUDHRI) Do you know which

7 properties BridgeCo made loans on?

8 A. There were --

9 MR. BALLASES: Objection. Form.

10 A. -- some properties in Austin and some

11 properties in Houston, but I don't know -- I couldn't

12 tell you it's this one or that one.

13 Q. (BY MR. CHOUDHRI) And you contend those

14 properties are alter egos of Ali Choudhri or Texas

15 REIT.

16 MR. BALLASES: Objection. Form.

17 A. I mean, they would be. If you own them, they

18 would be. But I don't know if we're making that claim

19 in this case anymore.

20 Q. (BY MR. CHOUDHRI) Have you sued Cypress

21 BridgeCo and Magnolia BridgeCo in this case?

22 A. I think we did. And I'm not sure if we still

23 have maintained those claims. But I know they

24 foreclosed on their interest.

25 Q. So you're aware that BridgeCo foreclosed on

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1 the properties that you filed lis pendenses on.

2 A. Yes.

3 Q. And you realize that a lis pendens frustrates
4 and interferes with the sale of a property.

5 Please don't look at Osama for an answer. I
6 know you really want to.

7 MR. BALLASES: Objection --

8 MR. CHOUDHRI: But, Mr. Abdullatif, would you
9 please stop helping Mr. Khawaja?

10 MR. BALLASES: Objection. Sidebar.

11 You don't know what you're talking about.

12 (Crosstalk)

13 MR. CHOUDHRI: Madam Court Reporter, did you
14 get -- did --

15 (Crosstalk)

16 THE REPORTER: Sorry. What is your question,
17 Mr. Choudhri?

18 MR. CHOUDHRI: What did Osama say? I couldn't
19 hear him.

20 THE REPORTER: I couldn't hear him either. If
21 I can't hear him, I can't transcribe him. And he's
22 not on the record. Like, he's not --

23 A. Let's please continue with the deposition.

24 MR. CHOUDHRI: Mr. Osama Abdullatif, I can
25 hear you in the background calling me a liar. That's

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1 unprofessional.

2 MR. BALLASES: Objection. Sidebar.

3 Ask your question, or I'll --

4 A. Or we're gonna cut this -- or we're gonna shut
5 this thing down.

6 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja, you're
7 aware -- let me back up.

8 You're in the real estate business as well;
9 right?

10 MR. BALLASES: Objection. Form.

11 A. Not really. A little bit.

12 Q. (BY MR. CHOUDHRI) Do you own real estate
13 outside of your home?

14 A. Yes.

15 Q. Which real estate?

16 MR. BALLASES: Objection. Form.

17 A. I'm not gonna get -- I'm not gonna get into
18 that.

19 Q. (BY MR. CHOUDHRI) Are you refusing to answer
20 the question about what real estate you own --

21 A. Yes, I'm --

22 Q. -- outside of your house?

23 A. I am -- I am refusing to answer that.

24 MR. BALLASES: I'm instructing him not to
25 answer because it's outside the scope of the limited

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1 deposition that the judge ordered.

2 Q. (BY MR. CHOUDHRI) So, Mr. Khawaja, we've

3 already established many, many, many times it's your

4 contention that any entity I own or control is an

5 alter ego of Texas REIT; correct?

6 A. Yes.

7 MR. BALLASES: Objection. Form.

8 Q. (BY MR. CHOUDHRI) And so you're also aware,

9 Mr. Khawaja, that when you file a lis pendens on a

10 piece of property, you have to meet certain elements

11 to have a lis pendens on a piece of property. Are you

12 aware of that?

13 A. Yes.

14 Q. And do you know what those elements are?

15 MR. BALLASES: Objection. Form.

16 A. I don't.

17 Q. (BY MR. CHOUDHRI) You're unaware what the

18 elements are to file a lis pendens against real

19 property.

20 A. I'm not sure.

21 MR. BALLASES: Objection. Form.

22 Q. (BY MR. CHOUDHRI) You're unaware, or you're

23 aware?

24 A. I'm not aware.

25 MR. BALLASES: Objection. Form.

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1 MR. CHOUDHRI: Mr. Ballases, it doesn't change
2 by you yelling on the objection, so --

3 MR. BALLASES: Objection. Sidebar.

4 Q. (BY MR. CHOUDHRI) Mr. Khawaja, how many
5 lawsuits have you been involved in where you have
6 instructed, sponsored litigation against Texas REIT or
7 any other entity that I own or control?

8 MR. BALLASES: Objection. Form.

9 A. I don't know. I don't -- I don't think many
10 at all. Not as many as I could. That's for sure.

11 Q. (BY MR. CHOUDHRI) And so you have filed a lis
12 pendens against a property at 2232 Swift Boulevard.

13 Are you aware of that?

14 A. Yes. Yes.

15 Q. And you contend 2232 Swift Boulevard -- that
16 property and any interest in that property is an alter
17 ego of Texas REIT?

18 A. Or Ali Choudhri.

19 MR. BALLASES: Objection. Form.

20 A. Or Ali Choudhri.

21 Q. (BY MR. CHOUDHRI) Texas REIT or Ali --

22 A. Or Jetall.

23 Q. -- Choudhri; correct?

24 A. Or Jetall.

25 Q. Sorry?

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1 A. Or Jetall Companies, Inc.

2 Q. Okay. So basically any and all entities that

3 I have any ownership in -- directly, indirectly --

4 it's an alter ego, and that's what you believe.

5 A. I believe the evidence will show that, yes.

6 MR. BALLASES: Objection. Form.

7 Q. (BY MR. CHOUDHRI) But as we sit here today,

8 you don't have any evidence --

9 A. No, we have plenty --

10 MR. BALLASES: Objection. Form.

11 A. We've been talking about it all day.

12 MR. BALLASES: Objection. Form.

13 Q. (BY MR. CHOUDHRI) So outside of whatever we

14 talked about today, you don't have any other evidence.

15 MR. BALLASES: Objection. Form.

16 A. Not until we get into the discovery, which

17 you're obstructing, but yes.

18 Q. (BY MR. CHOUDHRI) So this is your opportunity

19 to tell --

20 A. You'll find out more after you and, I think,

21 your mom's deposition coming up.

22 Q. Oh, okay. So you've sued my mom; correct?

23 A. Yes. Don't try to get out of that deposition

24 either. I'm gonna have a court reporter, translator,

25 everything. So don't try to get out of that.

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1 Q. Mr. Khawaja, have you -- let me pull this up.

2 Hold on.

3 Have you contacted anybody related to QB Loop

4 Property?

5 MR. BALLASES: Objection. Form.

6 A. No.

7 Q. (BY MR. CHOUDHRI) Have you contacted --

8 A. What's going on with that?

9 THE WITNESS: Sorry. Sorry.

10 A. I have not.

11 Q. (BY MR. CHOUDHRI) Have you contacted -- would

12 you dispute if third parties made statements that you

13 contacted them and told them not to do business with

14 me?

15 MR. BALLASES: Objection. Form.

16 A. I would dispute that, yeah. I mean, tell

17 them -- who said that I said that?

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) Have you ever contacted

20 anybody who I do business with, or any of my related

21 entities, and told them not to do business with me?

22 MR. BALLASES: Objection. Form.

23 A. I mean, that's outside the scope of what we're

24 talking about, but no, unless I was specifically

25 asked.

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1 Q. (BY MR. CHOUDHRI) Have you contacted Anwar

2 Qadeer (phonetic) in relation to --

3 A. No.

4 MR. BALLASES: Objection. Form.

5 A. No. Are you trying to sue Anwar now? No.

6 Q. (BY MR. CHOUDHRI) Have you contacted Qasim --

7 Abdul Qasim (phonetic)?

8 MR. BALLASES: Objection --

9 A. Abdul Qasim?

10 Q. (BY MR. CHOUDHRI) Abdul Qasim.

11 THE REPORTER: Sorry. One at a time, please.

12 A. I never contacted -- no, he's a friend of --

13 THE REPORTER: Sorry. One at a time, please.

14 Mr. Khawaja, could you please repeat your

15 answer?

16 A. I have not.

17 MR. BALLASES: Objection. Form.

18 Please stick to the limited purpose of this

19 deposition.

20 Q. (BY MR. CHOUDHRI) And --

21 A. Don't get those guys in trouble.

22 Q. -- Mr. Khawaja, are you -- are you -- are you

23 done laughing?

24 A. Yes. Yes.

25 Q. Thank you. You understand this is a serious

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1 situation we're here, right? This is a deposition.

2 It's not a joke --

3 A. Oh, very much.

4 MR. BALLASES: Objection. Sidebar.

5 A. Very much. Very much so.

6 Q. (BY MR. CHOUDHRI) And, Mr. Khawaja, you're

7 taking this serious; correct?

8 A. Oh, yeah, absolutely.

9 MR. BALLASES: Objection. Sidebar.

10 Q. (BY MR. CHOUDHRI) Mr. Khawaja, can you tell

11 me why -- you know, why you believe that the BridgeCo

12 entities are an alter ego of Texas REIT?

13 MR. BALLASES: Objection. Sidebar.

14 No, excuse me. I'm gonna go ahead, and I'm

15 gonna actually object to this exceeding the scope of

16 the deposition that the judge ordered and instruct him

17 not to answer.

18 A. I'm gonna take the advice of counsel.

19 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you're not

20 going to answer the question, I understand; is that

21 correct?

22 A. Yes.

23 Q. Mr. Khawaja, are you aware that when a lis

24 pendens is filed on a property, a property -- the

25 title is clouded, and it interferes with the ability

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1 for the property to be sold or refinanced?

2 A. I mean --

3 MR. BALLASES: Objection. Form.

4 A. -- you filed many of those, so you're pretty

5 aware of what it does, so yes.

6 Q. (BY MR. CHOUDHRI) And besides whatever we've

7 covered today, you don't have any other -- are you --

8 A. Plans?

9 Q. -- familiar with the -- sorry?

10 A. Other plans? I don't know. I'm just trying

11 to guess what you were gonna say.

12 Q. I'm sorry, Mr. Khawaja. What was your

13 statement?

14 A. I said -- you said, You don't have any other,

15 and then you just trailed off. So I said, What,

16 plans?

17 Q. What -- so I think I've asked this earlier,

18 and you've refused to answer. I just want to make

19 sure the record is clear. You're refusing to answer

20 any contingency claims or any claims you own or hold,

21 indirectly or directly, against me or any of my

22 entities. You're refusing to answer any of those

23 questions.

24 A. Yes --

25 MR. BALLASES: Objection --

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1 A. -- that's correct.

2 MR. BALLASES: Objection. Form.

3 Q. (BY MR. CHOUDHRI) And you're aware that

4 2727 Kirby was foreclosed on.

5 MR. BALLASES: Objection. Form.

6 A. That's what I understand.

7 Q. (BY MR. CHOUDHRI) And you're aware that

8 that's one of the properties you filed a lis pendens

9 on.

10 MR. BALLASES: Objection. Form.

11 A. Sure. You owe a lot of money on it.

12 Q. (BY MR. CHOUDHRI) Is there money owed to you

13 on 2727 Kirby?

14 A. I mean, it's an alter --

15 MR. BALLASES: Objection. Form.

16 A. -- ego of Jetall Companies, so yeah, we

17 should've gotten something out of it.

18 Q. (BY MR. CHOUDHRI) Is that why you filed a

19 lis pendens, so you could get something out of it?

20 MR. BALLASES: Objection. Form.

21 A. To prevent you from committing fraudulent

22 transfers and defrauding people like you do.

23 Q. (BY MR. CHOUDHRI) And so let's elaborate.

24 How do I defraud people?

25 MR. BALLASES: Objection. Form.

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1 A. I mean -- I mean, come on.

2 Q. (BY MR. CHOUDHRI) I just want to --

3 (Crosstalk)

4 A. You really want me to answer that question?

5 Q. (BY MR. CHOUDHRI) Absolutely. Go ahead.

6 MR. BALLASES: Objection. Sidebar.

7 It's not the opportunity to ask an improper

8 question.

9 THE WITNESS: No.

10 MR. BALLASES: It is your opportunity to ask

11 about why a proof of claim was filed and why it was

12 withdrawn. You are mistaken, and you're exceeding the

13 Court's order. Please stick to the Court's limited

14 deposition order.

15 Q. (BY MR. CHOUDHRI) Are you going to refuse to

16 answer the question, Mr. Khawaja?

17 A. Yes.

18 MR. BALLASES: Objection. Form.

19 Q. (BY MR. CHOUDHRI) Mr. Khawaja, you're aware

20 that following the filing of lis pendenses on various

21 properties, those properties were foreclosed after you

22 filed those lis pendenses, true or false?

23 MR. BALLASES: Objection. Form.

24 A. After -- I mean, what does that mean, after I

25 filed those lis pendenses? You lost those properties

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1 because you refused to pay on them, like you've done

2 on so many properties throughout your entire life.

3 So, you know, you excel at losing properties.

4 That's what happened. That's what happened to

5 2425 West Loop. Don't try to put that on me unless

6 you want more lawsuits. We're happy to oblige.

7 Q. (BY MR. CHOUDHRI) Do you --

8 A. Yes.

9 MR. BALLASES: Objection. Sidebar.

10 A. No, I'm not done. I'm just getting started.

11 Q. (BY MR. CHOUDHRI) So continue on. I'm

12 listening.

13 MR. BALLASES: There's no question on the

14 table.

15 Q. (BY MR. CHOUDHRI) You're just getting

16 started?

17 THE REPORTER: I'm sorry --

18 Q. (BY MR. CHOUDHRI) What do you mean by "just

19 getting started" --

20 THE REPORTER: I'm sorry. Mr. Ballases, what

21 was your objection or your comment?

22 MR. BALLASES: Objection. Form.

23 There was no question on the table.

24 Q. (BY MR. CHOUDHRI) Go ahead, Mr. Khawaja. If

25 you want to talk, you can talk. You said you're just

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1 getting started --

2 MR. BALLASES: Objection. Sidebar.

3 A. Stick --

4 Q. (BY MR. CHOUDHRI) Do you want to --

5 A. Stick to the questions, please. Stick to the
6 questions.

7 Q. You're answering -- you're answering the
8 questions, so I'm allowing you to finish your answers.

9 And you said --

10 MR. BALLASES: Objection. Sidebar.

11 Q. (BY MR. CHOUDHRI) -- you're just getting
12 started. What do you mean by, "I'm just getting
13 started"? That was your answer.

14 A. Yes. We have --

15 Q. (Unintelligible)

16 A. We have a lot of -- we have discovery to
17 complete in this case.

18 Q. And so what do you mean, "I'm just getting
19 started"? Elaborate on that --

20 MR. BALLASES: Objection. Form.

21 A. Yeah, we need -- we have to complete
22 discovery.

23 Q. (BY MR. CHOUDHRI) And what evidence or
24 information do you have that my mom is an alter ego of
25 Texas REIT?

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1 MR. BALLASES: Objection. Form.

2 A. Have you reviewed the -- have you reviewed our
3 evidence in this case? Have you looked at what we've
4 been able to uncover, or no? I hope your attorneys
5 are sharing it with you. There's a lot.

6 Q. (BY MR. CHOUDHRI) So what evidence do you
7 have that Shahnaz Choudhri is an alter ego --

8 A. Yes.

9 Q. -- of Texas REIT?

10 A. There's money flowing through bank accounts.

11 There's checks that she's written to entities that you

12 control. There's personal payments going out to her

13 from entities that you control. I mean, there's a

14 lot. There's a lot. We're gonna get into all of

15 that.

16 Q. And so the evidence is all within your
17 pleadings. Is that --

18 A. Not all of it.

19 MR. BALLASES: Objection. Form.

20 A. Not all of it. There's just something --
21 there's discovery. There's subpoenas. There's --
22 there's things. There's a deposition coming up that
23 you're aware of that you're gonna try to get out of.
24 We're not gonna let you.

25 Q. (BY MR. CHOUDHRI) Have you made statements to

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1 third parties that Judge Norman is gonna do whatever
2 you ask him to do because you have him on payroll?

3 MR. BALLASES: Objection. Form.

4 And objection. Sidebar.

5 A. Man, come on. Don't do stuff like that.

6 That's gonna get you --

7 Q. (BY MR. CHOUDHRI) Have you made a
8 statement to anybody --

9 A. -- in a lot of trouble.

10 THE REPORTER: I'm sorry.

11 Q. (BY MR. CHOUDHRI) Have you made --

12 THE REPORTER: One person at a time, please.

13 A. That's -- that's gonna get you into a lot of
14 trouble with the FBI. I wouldn't do that. That's a
15 mistake on your part.

16 Q. (BY MR. CHOUDHRI) Have you ever made any
17 statements like that? Have you ever made any
18 statements --

19 A. No.

20 Q. -- like that?

21 MR. BALLASES: Objection. Form.

22 A. That's very dangerous of you to say that. I'm
23 just warning you. It's very dangerous.

24 MR. CHOUDHRI: Mr. Ballases --

25 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

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1 THE WITNESS: Make sure you get a copy of this
2 transcript, please --

3 Q. (BY MR. CHOUDHRI) -- you've never made --

4 THE WITNESS: -- and provide that.

5 Q. (BY MR. CHOUDHRI) You --

6 THE REPORTER: Sorry -- okay.

7 A. I would stop if I were you. I would stop
8 right now if I were you.

9 Q. (BY MR. CHOUDHRI) Mr. Khawaja, please. I'm
10 asking the questions. Okay?

11 A. Yeah, you are.

12 Q. Have you met with Anthony Gill or Kenneth
13 Shaitelman?

14 MR. BALLASES: Objection. Form.

15 A. I'm not gonna --

16 (Crosstalk)

17 MR. BALLASES: I'm going to instruct you not
18 to answer. That has nothing to do with the proof of
19 claim that was filed or the reason that we've offered
20 to withdraw it, and therefore, I'm instructing not to
21 answer. It exceeds the scope of the judge's order.

22 So I object to the form of the question.

23 A. I'm not answering.

24 Q. (BY MR. CHOUDHRI) Mr. Khawaja, were you

25 present on September 6, 2023, when Chris Wyatt, your



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1 client, testified on the stand in Judge Manor's court?

2 MR. BALLASES: Objection --

3 A. No.

4 MR. BALLASES: Objection. Form.

5 A. I wasn't.

6 Q. (BY MR. CHOUDHRI) Were you present around

7 September 2023 in front of Judge Manor regarding a

8 case styled Naissance versus Zaheer?

9 MR. BALLASES: Objection. Form.

10 A. I don't even know if I was or not, but that's
11 outside the scope of this purpose of this deposition,
12 so move on.

13 Q. (BY MR. CHOUDHRI) Are you aware that Chris
14 Wyatt, your client, testified that he has given you
15 my -- Jetall Companies' hard drive?

16 MR. BALLASES: Objection. Form.

17 A. Not -- not in the -- within the scope of this
18 conversation -- I mean this deposition. But if he
19 testified to that, I'd have to look back and see.
20 Maybe he did.

21 Q. (BY MR. CHOUDHRI) Is Chris Wyatt truthful?

22 MR. BALLASES: Objection. Form.

23 A. You hired him. What do you think?

24 Q. (BY MR. CHOUDHRI) Have you hired --

25 THE WITNESS: Look, I'm done, Michael. This

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1 is it. This is getting into things --

2 MR. BALLASES: Okay.

3 THE WITNESS: -- that are unrelated. So we

4 can --

5 MR. BALLASES: And you've got to go see your

6 family --

7 THE WITNESS: I have to go see my family --

8 MR. BALLASES: Then we'll take it up with a

9 judge.

10 THE WITNESS: Thank you.

11 (Crosstalk)

12 Q. (BY MR. CHOUDHRI) Are you going to walk out

13 of this deposition?

14 THE REPORTER: I'm sorry --

15 A. Yes.

16 Q. (BY MR. CHOUDHRI) No --

17 THE REPORTER: Sorry. One at a -- sorry. One

18 at a time, please. Thank you.

19 MR. CHOUDHRI: I am not done with my --

20 THE WITNESS: I have a medical --

21 MR. CHOUDHRI: -- questions.

22 THE WITNESS: -- emergency.

23 Q. (BY MR. CHOUDHRI) If you have a medical

24 emergency, we can agree to a rescheduling. Your

25 medical emergency, Mr. Khawaja, is you have a family

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1 member in the hospital; correct?

2 A. Yes, I do.

3 MR. BALLASES: You don't need to answer any

4 more questions.

5 He has to get out of here. You took up enough

6 time --

7 THE WITNESS: We'll take it up with a judge.

8 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

9 MR. BALLASES: Do you want a five-minute
10 break, or do you want to start?

11 Q. (BY MR. CHOUDHRI) Mr. Khawaja --

12 MR. BALLASES: You go. I got it.

13 Q. (BY MR. CHOUDHRI) -- the deposition is still
14 going. Are you going to get up and walk out?

15 MR. CHOUDHRI: Madam Court Reporter --

16 MR. BALLASES: Yes, he's got to --

17 MR. CHOUDHRI: -- would you --

18 MS. HOOD: Okay. If I can weigh in here, I
19 had some follow-up questions for him; very few, but I
20 do have follow-up questions.

21 MR. BALLASES: How much time? Like, how much
22 would you estimate, Ms. Hood?

23 MS. HOOD: Ten minutes.

24 MR. BALLASES: It's up to you. If you've got
25 to get out of here --

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1 MR. CHOUDHRI: But I'm not done --

2 MS. HOOD: But it's -- I need -- Mr. Choudhri
3 hasn't passed the witness. But I did want to go on
4 the record that I do have a few more questions for
5 him.

6 MR. BALLASES: Okay. Well --

7 THE WITNESS: We'll take it up if we need to
8 with a judge.

9 MR. BALLASES: Okay. Then unless we're going
10 to go directly to your ten minutes, then he's got to
11 get to the hospital.

12 MR. CHOUDHRI: Mr. Ballases, if he's got to go
13 to the hospital, is there a mutually agreeable time
14 before he leaves that we can agree to maybe --

15 MR. BALLASES: No.

16 MR. CHOUDHRI: -- pick this up?

17 MR. BALLASES: No.

18 MR. CHOUDHRI: Are you not agreeing to resume
19 the deposition at a convenient time after his
20 emergency for his visitor -- for his family member in
21 the hospital?

22 MR. BALLASES: I'm not right now. You've had
23 plenty of time to ask questions. You've asked
24 questions that had nothing to do with the limited
25 scope of the deposition. I let you ask them. I

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1 probably shouldn't have. And so you used your time as
2 you saw fit.

3 Do you all want to take a two-minute break or
4 five-minute break before we start the next one, or no?

5 MR. CHOUDHRI: Mr. Ballases, I am -- this is
6 still my deposition that I'm asking questions on. I
7 want the record to be clear. Have you instructed your
8 witness to leave? Have you instructed the witness to
9 leave --

10 MR. BALLASES: He's gone. Yes, he is gone.
11 He is gone. I've instructed him to leave because he
12 has a family member who is dying. I don't know how
13 much clearer I can make that. Stop repeating
14 yourself.

15 MR. CHOUDHRI: Well, Mr. Ballases --

16 MR. BALLASES: So you can either --

17 MR. CHOUDHRI: -- as you know -- can I finish
18 talking, please, before you keep --

19 MR. BALLASES: No --

20 MR. CHOUDHRI: -- cutting me off?

21 MR. BALLASES: -- you can't. You waste
22 everybody's time.

23 So we can start with the next deposition.

24 It's clear that --

25 MR. CHOUDHRI: Mr. Ballases --

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1 MR. BALLASES: -- he's left, and it's clear
2 you want to ask questions.

3 So we can start with the next deposition now
4 or in two minutes. Please make your decision.

5 Stephen, if you want to make it because you're
6 the lead, that's fine.

7 MS. HOOD: Can I just say on the record that I
8 would like to finish my questioning of the deponent
9 when he has the next available opportunity that's
10 convenient for everybody so I can ask my four
11 questions.

12 MR. BALLASES: And I would -- that's fine.
13 You can take it up with the Court. He was on record
14 for five hours. Take away maybe the 30 minutes where
15 we argued about the judge's oral order. Four and a
16 half hours, that's plenty of time for this deposition
17 to go forward and for y'all to complete it.

18 We have two more people here, and I have till
19 4:30. I'd like to get started to go as fast as
20 possible, but it's y'all's call.

21 MS. HOOD: Okay. Well, I'll just --

22 MR. CHOUDHRI: Mr. Ballases, the time is --
23 the time is 3:30 p.m. Is that --

24 Or, Court Reporter, would you just confirm
25 what time we have right now?

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1 MR. BALLASES: No one needs to confirm the
2 time. Do you want to get started with the next one or
3 not? I mean, stop wasting everybody's time?

4 MS. HOOD: I just want to -- for my part of
5 this, I wasn't -- I didn't adjourn the deposition with
6 regard to this deponent for my questioning. I was
7 waiting for it to come back, to cycle around with me
8 again. I have a few more questions for him, and I
9 want to finish those.

10 And I understand he's left, and I understand
11 the basis for it, and I wish all Godspeed to his
12 family member. And I don't want to get involved in
13 any sort of issue about whether someone needs to
14 leave, doesn't need to leave, that sort of thing,
15 right? I just -- and if we have to go back to the
16 judge for my four questions, I'm happy to do it.

17 I just want that on the record for me. What
18 the other lawyer does and what Mr. Choudhri does --

19 MR. BALLASES: (Unintelligible)

20 MS. HOOD: -- I'm not in control of that.

21 MR. BALLASES: I understand. You've made
22 it -- you've put it on the record twice. That's fine.
23 I understand, and I'll stipulate that you do have more
24 questions.

25 Do we want to go to the next witness now?

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1 MR. CHOUDHRI: Mr. Ballases, would you at
2 least provide, subject to your client's availability,
3 times you're available to resume the deposition of
4 Omar Khawaja?

5 MR. BALLASES: No. No, I will not. I've said
6 that twice now.

7 MR. CHOUDHRI: Are you not --

8 MR. BALLASES: Do we want to move to the next
9 deposition?

10 MR. CHOUDHRI: Are you going to refuse to make
11 him available --

12 MR. BALLASES: Stop wasting time. I'm not
13 going to provide it unless we have an order from a
14 judge. Do you understand? Stop wasting time. We've
15 got a limited amount --

16 MR. CHOUDHRI: Well, I just want to --

17 MR. BALLASES: -- of time --

18 MR. CHOUDHRI: -- get this on the --
19 (Crosstalk)

20 MR. BALLASES: -- basis to take a deposition.

21 Do we want to move to the next person or not?
22 Please tell me.

23 MR. CHOUDHRI: Before --

24 MR. BALLASES: I would say, Stephen, it's your
25 job to say it.

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1 MR. SATHER: Yeah, I'm prepared --
2 MR. CHOUDHRI: Mr. --
3 MR. SATHER: -- to move to the next --
4 MR. CHOUDHRI: Mr. Ballases --
5 MR. SATHER: -- witness --
6 MR. BALLASES: All right. Let's go.
7 MR. SATHER: Who do you have --
8 MR. CHOUDHRI: Mr. Ballases --
9 MR. SATHER: -- up next?
10 THE REPORTER: I'm sorry --
11 MR. BALLASES: Osama.
12 THE REPORTER: Okay.
13 MR. CHOUDHRI: Mr. Ballases --
14 MR. BALLASES: Osama's ready to go.
15 MR. CHOUDHRI: Time out. I just want to get
16 this on the record very clearly, Mr. Ballases.
17 MR. BALLASES: Oh, Jesus.
18 MR. CHOUDHRI: I just want to make it --
19 MR. BALLASES: It's on the record clearly.
20 Stop wasting time.
21 MR. CHOUDHRI: You are not willing to
22 cooperate to resume the deposition of Omar Khawaja
23 absent a court order. Is that your position?
24 MR. BALLASES: I've stated my position. Let's
25 move forward.

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1 Let's take a two-minute break, and then

2 Osama's going to be in this chair.

3 THE REPORTER: Okay. So I am going off the

4 record.

5 (End of proceedings at 3:31 p.m.)

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CERTIFICATE OF REPORTER

I, CHERYL MADRIAGA, a Shorthand

Reporter and Notary Public in and for the State of
Texas, do hereby certify:

That the proceeding took place before me at
the time and place herein set forth; that the
testimony and proceedings were accurately captured
stenographically by me during the proceeding.

I further certify that I am not related to any
of the parties to this action by blood or marriage and
that I am not interested in the outcome of this
matter, financially or otherwise.

IN WITNESS THEREOF, I have hereunto set my
hand this 18th day of September 2024.

CHERYL MADRIAGA, SHORTHAND REPORTER